

## **APPENDIX L**

### **LETTERS OF COMMENT ON REVISED EIR**

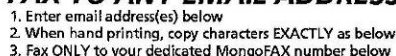
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Public review for the Revised EIR – Selected Chapters occurred from March 14 through April 28, 2008. During that time, 18 letters of comment were received. The Planning Commission held a public hearing on the Draft Revised EIR on April 17, 2008, at which comments were received from the public. Planning Commissioners also raised questions and comments regarding the Draft EIR. The following list identifies all of the comments received during this public review.

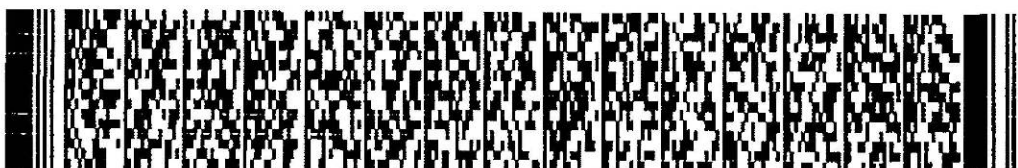
### **LIST OF COMMENTS RECEIVED**

<b>No.</b>	<b>Commenter</b>	<b>Date</b>	<b>Representing</b>	<b>Page</b>
1	Patricia Foley (sent via Ridge Baccash)	April 23, 2008	Braemar Ranch Homeowners Association	L-2
2	Joseph Rution	April 23, 2008	Allied Neighborhood Association	L-4
3	Daniel Wilson	April 25, 2008		L-5
4	Ben Pitterle	April 17, 2008	Santa Barbara Channelkeeper	L-7
5	Timothy Leigh Rodgers, M.D.	March 31, 2008		L-8
6	Gary L. McFarland, P.E.	April 28, 2008	Goleta Water District	L-9
7	Steven L. Amerikaner,	April 28, 2008	Peak-Las Positas Partners (applicant)	L-10
8	David Pritchett	April 28, 2008		L-11
9	William P. Parkin	April 28, 2008	Citizens Planning Association and Urban Creeks Council	L-13
10	Naomi Kovacs	April 28, 2008	Citizens Planning Association	L-55
11	Wendy Dishman	nd		L-61
12	Eddie Harris	April 28, 2008	Urban Creeks Council	L-62
13	Elaine Bowie	April 9, 2008		L-67
14	Various Speakers at Planning Commission hearing	April 17, 2008		L-68
15	Comments by Planning Commissioners	April 17, 2008		L-70
16	Stephen Bigelow	April 29, 2008		L-72
17	Steve Clark	April 28, 2008		L-73
18	Nicole Vernstrom	April 29, 2008		L-74
19	Caroline Walker	April 29, 2008		L-75
20	Annette Mangneheim	April 29, 2008		L-76

## Letter I



V13



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**To:**

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**From:** (Identifies Sender, Enables Replies, Provides Confirmation, Tracking Number & Exact Replica Archive Copy to Email)

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**Subject:**

Draft Revised EIR for Veronica Meadows I



**Notes:**

**Hello Allison!**

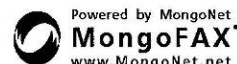
The Board of Directors for the BRHA and the members of the BRHA are completely in support of the City Staff's efforts and work in preparing said document. Please keep our letter on record. Thanks very much!

## Ridge

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## Letter From Patricia Foley

### Letter I

FROM : Ridge Baccash Coldwell Banker PHONE NO. :

Apr. 25 2008 10:49AM P2

April 23, 2008

Allison De Busk, Project Planner  
City of Santa Barbara Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Dear Allison,

I would like to take this opportunity to thank City Staff for their work on the Draft Revised EIR-Selected Chapters on the Veronica Meadows Specific Plan dated March 2008. The Board of Directors for the Braemar Ranch Homeowner's Association approves of this document. We feel that City Staff clearly analyzed and re-evaluated issues in the previous EIR that needed to be revised and brought to the attention of all stakeholders.

1-1 (cont.)

As our primary focus is on the neighborhood impacts of the project, we have focused our review on the EIR's analysis of the project traffic patterns and access methods. At this time, we feel that the primary issue of project access is clearly addressed and that based on the alternatives we would suggest that the lack of alternatives combined with the parallel Class 1 impacts of those alternatives mitigates the Class 1 impact of the bridge and as such make that mode of egress and ingress for the project the only feasible strategy going forward.

1-2

As stated in the document, the Alan Road Access Alternative has been looked at more closely and City Staff has determined that this alternative would cause a more significant adverse impact than the Bridge Access. The quality of life for the Alan Road residents would be severely compromised with the development of the entire project using Alan Road Access versus using Alan Road Access only until the Bridge can be built, after which access for developing the project would be via the Bridge. Also, the traffic congestion at the intersection at Cliff Drive and Las Positas Road would be mitigated with the combination of bridge access and Caltrans required traffic management strategies at the project entrance. In addition, based on the intent to mitigate the Class 1 impact of the bridge, the proposed Creek Restoration of Arroyo Burro Creek, as stated in the Biological Resources Section, is very comprehensive and environmentally beneficial.

1-3

1-4

In conclusion, we feel that all the issues created by the Bridge Access, the Alan Road Access and the Congestion at Cliff Drive and Las Positas Road have been adequately and properly analyzed and addressed by City Staff and we support the approval of the Draft Revised EIR-Selected Chapters on the Veronica Meadows Specific Plan.

1-5

Regards,

Patricia Foley  
President of the Braemar Ranch Homeowner's Association



## Letter From Joseph Rution

### Letter 2

**From:** Joe Rution [mailto:joerution@cox.net]  
**Sent:** Wednesday, April 23, 2008 12:46 PM  
**To:** DeBusk, Allison L.  
**Subject:** Letter Re; EIR Review

Attn: Allison De Busk, Project Planner  
P.O. Box 1990,  
Santa Barbara CA 93102

RE: Veronica Meadows / Mark Lee project  
(EIR review)

Ladies & Gentlemen:

The Allied Neighborhood Association met on April 21, 2008 and discussed the Mark Lee proposal Veronica Meadows.

2-1

The members of the Association's Board expressed the following concerns regarding information missing from the environmental impact report:

They request that an economic analysis of the project. This area is extremely fragile and a reasonable development of the land should be considered, not one dictated by maximum profit. This study should be done by an independent consultant.

2-2

There appear to be inconsistencies in the document regarding the finding of feasibility and potential feasibility.

2-3

There also is a lack of examination of the lower density alternatives in the EIR; this alternative should be completely examined.

2-4

The Board feels that the Planning Commission has the right to call for the additional information requested by the public. This information is vital for a decision which complies with the intent of CEQA and mitigates the environmental impacts.

2-5

Joseph Rution, Secretary  
Allied Neighborhoods Association

[http://mail112a.urscorp.com/SANTABARBARA/JOHNLARSON.nsf/\(\\$Inbox\)/6ab08796301962...](http://mail112a.urscorp.com/SANTABARBARA/JOHNLARSON.nsf/($Inbox)/6ab08796301962...) 4/25/2008

# Letter From Daniel Wilson

## Letter 3

Veronica Meadows EIR  
Public Comment Letter

April 25, 2008

Honorable Mayor Blum, and  
City Council Members  
City of Santa Barbara, CA

### PUBLIC COMMENT: VERONICA MEADOWS PROJECT

I appreciate the opportunity to provide public comment, in writing. This letter is in lieu of my physical comment to the Council, with intent that it appears in the record and is addressed in kind.

3-1

I oppose the proposed Veronica Meadows Project as proposed due to the clear imbalance of impacts to benefits to the community/public at large. This unfortunate wrangling of Project Description seems to be suffering from a very bad case of the "NOT IN MY BACKYARD" syndrome. Specifically, I do not support construction of the bridge over Arroyo Burro Creek considering that a very viable alternative exists (project vehicular access entirely through Alan Road). The law of CEQA must be followed. This project NOT an exception.

3-2

3-3

ATE's Traffic Study (Appendix F, I think, of the original EIR) specifically states: *"It appears that Alan Road was originally constructed with the intention of providing access to the Veronica Meadows site, as it stub-ends at the site rather than ending at a cul-de-sac... The additional traffic that would be added by the project to Alan Road is considered INSIGNIFICANT {emphasis added}, as the roadway has the capacity to accommodate the Veronica Meadows Project traffic and would operate at LOS A."*

3-4

Furthermore, the Cumulative Impacts analysis pointed out the Las Positas x Cliff Drive intersection as the one that would specifically degrade from build out of this project utilizing only Alan Road, but then responded that "controlling the intersection with a signal or reconfiguring the intersection to modern roundabout" would "improve operations" and "provide LOS C or better with Existing + Project Traffic." {underline added} This stated Cumulative Impact is not actually an impact caused by the proposed project, as each of these intersections are already operating at LOS ratings below acceptable standards (pre project), and the proposed project would not further significantly or even measurably degrade these LOS metrics. The ATE (or project proponent) traffic mitigation alternatives stated above are clearly reasonable and legitimate alternatives to improve an already substandard traffic condition, thereby supporting project access solely through Alan Road.

3-5

Page 1 of 2

## Letter From Daniel Wilson

### Letter 3

Veronica Meadows EIR  
Public Comment Letter

As an adjacent resident who utilizes Los Positas Road for both personal and business reasons, I am keenly aware that development of this project, as proposed, will cause negative impact to not only myself, but the entire communities of West Mesa and East Hope Ranch, general members of the public and tourists too (Hendry's Beach), who also utilize Las Positas Road. Not allowing the new residents of this proposed project to access Alan Road, which was designed and intended for this additional usage, places a unnecessary burden upon the community.

3-6

If the project had its entire vehicle access through Alan Road, the level of impact to the community on the whole, would be far less. The trade off that you, our Council, appear to be making, is to appease few residents versus the common good of the community on the whole. With all due respect to the Alan Road residents, the road was designed for this additional traffic, and connection to the project site has been plainly evident for the decades prior to many residents moving to the area, therefore not constituting a surprise.

3-7

**Summary.** In essence, to remove a multi-trunk specimen oak tree, construct a bridge over a creek, give PUBLIC land to a private party for their individual profit, and impede traffic flow for the greater community-- in order to appease a much smaller fraction of the populace, is neither sound planning nor balanced community representation.

3-8, 9, 10

Therefore, it is in the community's best interest that construction of the bridge over Las Positas Creek is not allowed, and all project vehicle traffic is direct ed through the existing Alan Road access.

3-11

Respectfully,

Daniel Wilson, MESM  
Mesa resident

Page 2 of 2

## Letter From Ben Pitterle

### Letter 4



*Protecting and Restoring the Santa Barbara Channel and Its Watersheds*

714 Bond Avenue • Santa Barbara, CA 93103 • Tel (805) 563 3377 • Fax (805) 687 5635 • www.sbck.org

April 17, 2008

**Santa Barbara Planning Commission**  
735 Anacapa Street  
Santa Barbara, CA 93101

**Attn: Allison De Busk, Associate Planner**  
**Re: Veronica Meadows**

Dear Commissioners,

Santa Barbara Channelkeeper is extremely concerned that the City is considering alternatives to the Veronica Meadows Project that include significant and unavoidable impacts to Arroyo Burro Creek.

4-1

Over the last several years, the City has spent hundreds of thousands, if not millions, of dollars on projects designed to restore Arroyo Burro Creek and improve water quality. These projects include the restoration of Arroyo Burro Estuary restoration project (\$1 Million), the Las Positas Storm Water Detention project (\$300K), the Urban Runoff Diversion Project at Hope Avenue (\$500K), the Las Positas Valley Restoration (\$125K), the proposed Santa Barbara Golf Club Stormwater Management Project, along with ongoing creek cleanups, water quality monitoring, and DNA studies. From these actions, it seems apparent that the City of Santa Barbara considers the protection and restoration of its creeks and water quality a priority issue, especially along Arroyo Burro Creek. The City has invested significant money into these projects and also into maintaining many talented and dedicated staff persons currently working to restore this creek. Channelkeeper therefore finds it puzzling and disconcerting that the City should consider alternatives to the Veronica Meadows Project that include significant and unavoidable impacts to Arroyo Burro Creek.

4-2

While the alteration of creek ecosystems resulting from one project may often seem worthwhile or mitigatable through restoration, the cumulative water quality impacts caused by loss of natural creek habitat throughout a watershed are enormously significant and irreversible. We at Channelkeeper would like to believe that the City of Santa Barbara has moved beyond the days of approving projects that directly impact the most sensitive environments within its boundaries, especially when there are feasible alternatives available that would avoid Class I impacts.

4-3

4-4

The City is obligated to the citizens of Santa Barbara to protect its natural resources and water quality. It is also obligated to make decisions that comply with the CEQA process and avoid Class I impacts when feasible alternatives exist. Should the City decide that these alternatives are not politically desirable, then it should deny the Veronica Meadows project altogether, not pursue a project alternative that causes significant impacts to the environment. Channelkeeper strongly urges that the Commission does **NOT** approve any alternative that significantly impacts the environmental resources of Arroyo Burro Creek.

4-5, 6

4-7

Respectfully,

Ben Pitterle  
Watershed Programs Director  
Santa Barbara Channelkeeper

Board of Directors Sherry Madsen, President • Steve Dunn, Vice President • Jack Stapelmann, Treasurer • Ken Falstrom, Secretary • David Anderson • Michael Brown  
David Cowan • Dan Emmett • Susan Jordan • Kalia Bock • Holly Sherwin • Robert Warner • Paul Junger Witt



**Letter From  
Timothy Leigh Rodgers, M.D.**

**Letter 5**

**From:** Timothy Rodgers, M.D. [mailto:DrRodgers@PremiumCareMD.com]  
**Sent:** Monday, March 31, 2008 10:04 PM  
**To:** DeBusk, Allison L.  
**Subject:** Veronica Springs

Ms. De Busk

We have a traffic problem in our neighborhood on Alan Road. Cars exiting Alan Road and turning left on to Cliff Drive face a constant stream of cars coming from the left--both those from Las Positas turning right onto Cliff Drive and those coming straight from the Mesa down Cliff Drive. The distance from the Las Positas and Cliff Drive intersection to Alan Road is very short--and unlike a full city block gives us very little time to turn left in the gaps between the constant stream of oncoming cars. I feel that adding any more traffic to that which already exists on Alan Road compounds this dangerous situation.

In my opinion (and that of most in our neighborhood) any traffic solution to the Veronica Springs project must direct all traffic away from Alan Road. I am (as are most of us) opposed to a Veronica Springs project with any traffic on Alan Road.

Timothy Leigh Rodgers, M.D.

5-1

5-2

5-3

[http://mail112a.urscorp.com/SANTABARBARA/JOHNLARSON.nsf/\(\\$Inbox\)/2a4657c0d7a61ea...](http://mail112a.urscorp.com/SANTABARBARA/JOHNLARSON.nsf/($Inbox)/2a4657c0d7a61ea...) 4/25/2008

**Letter From  
Goleta Water District**

**Letter 6**



4699 HOLLISTER AVENUE  
GOLETA, CALIFORNIA 93110-1999  
TELEPHONE 805/964-6761  
FAX 805/964-7002

April 28, 2008

City of Santa Barbara  
Planning Division  
Attn: Allison De Busk, Project Planner  
P.O. Box 1990  
Santa Barbara, CA 93102-1990      Delivered via e-mail to [adebusk@santabarbaraca.gov](mailto:adebusk@santabarbaraca.gov)

Re: Draft Revised EIR  
Veronica Meadows Specific Plan (MST99-00608)

The proposed project which desires to annex to the City of Santa Barbara (City) and de-annex from Goleta Water District (GWD) is within a larger area which has a convoluted boundary between the City and GWD. This area, therefore, has complex and inefficient systems of water service from the two agencies. The City and GWD are in the process of attempting to simplify and provide a more logical and efficient means of water service to this area.

6-1

Therefore, GWD is opposed to piecemeal detachments from its district which are annexed into the City. GWD is not opposed to this specific project detaching from GWD and annexing to the City; however, GWD believes this should be done as part of the whole resolution of water service to the larger area (known as the "Overlap" area) and not done as an individual piece of this area.

6-2

Such individual detachments and annexations to the City, GWD believes, will make it more difficult to resolve the complex and convoluted water service to the remaining properties of this area and result in a negative environmental impact.

6-3

Thank you for the opportunity to comment on this revised draft EIR.

Sincerely,  
GOLETA WATER DISTRICT

Gary L. McFarland, P.E.  
Engineering Manager

**Letter From  
Steven A. Amerikaner**

**Letter 7**

**From:** Steven A Amerikaner [mailto:SAmerikaner@bhfs.com]  
**Sent:** Monday, April 28, 2008 11:47 AM  
**To:** DeBusk, Allison L.  
**Subject:** Comment on Draft Revised EIR -- Veronica Meadows

Dear Ms. De Busk:

On behalf of Peak-Las Positas Partners, we are submitting this comment under the provisions of CEQA.

We respectfully suggest that Table 4-6 should be deleted, and the related text revised accordingly. The house sizes will be regulated by the Specific Plan, which imposes a maximum size and height on the homes to be constructed. While the project will certainly comply with those regulatory limits, no decisions have yet been made about the specifics of each house on each parcel. Thus, Table 4-6 should be deleted.

Thank you.

/s/ Steven A. Amerikaner

**Steven A. Amerikaner**  
**Brownstein Hyatt Farber Schreck, LLP**  
21 East Carrillo Street  
Santa Barbara, CA 93101

SAmerikaner@bhfs.com

805.882.1407 Office (Direct)  
805.965.4333 Facsimile  
805.882.1467 Olga Rittershaus (Assistant)

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7-1

## Letter From David Pritchett

### Letter 8

#### Comments on revised EIR for proposed Veronica Meadows project due 28 April 2008

by David Pritchett, Santa Barbara City Resident

##### A. Arroyo Channel Plan is Not "Creek Restoration".

- |   |     |
|---|-----|
| 1. Previous City reports properly referred to the proposed project in the arroyo channel as creek <i>stabilization</i> , not "restoration". That distinction and correction should return to this EIR process and documents. Just because an applicant's paid experts call it creek restoration does not make it so, and the City staff and other officials do not need to perpetuate that misnomer spin.   | 8-1 |
| 2. This review should revisit the extensive and painfully deliberated comments and votes previously made by the City's own Parks and Recreation Commission and Creeks Committee. In summary, those prior analyses by the City's own experts, which by reference should be addressed specifically in this revised EIR, indicate that the proposed project in the arroyo channel, with all the large boulder revetment installations, actually could exacerbate downstream erosion from the subject property and shift the adverse impacts to the residents along the east side of Alan Road. | 8-2 |
| 3. The actual enforceability of a Home Owners Association maintaining and managing an ecological restoration project (in and out of the arroyo channel) should be addressed, including local examples of where this has and has not worked elsewhere.   | 8-3 |
| 4. Water quality benefits from the downstream restoration project in the Arroyo Burro lagoon also could be negated by the proposed Veronica project, and that should be analyzed under a separate review.   | 8-4 |

##### B. Arroyo Stabilization Plan Needs its own CEQA Review.

- |  |     |
|--|-----|
| 1. How good or not this plan is certainly has been the subject of much debate and hyperbole during the life of the project review. This element is really a separate project and needs its own CEQA review with a range of project alternatives to be analyzed objectively and separately from the streambank stabilization goal that the project applicant wants so he can fit in more residential development and the associated road. | 8-5 |
| 2. The City has its own impartial experts through the Parks and Rec. Department who should craft any arroyo channel project with the intent of developing a project to meet the City needs, not the applicant's needs, considering that this work would be done on City Park property.   | 8-6 |
| 3. The proposed work in the arroyo channel never has been the subject of a community planning process and should be, based upon the precedent that the City essentially would be giving away its Parkland property to suit the needs of a private developer. That policy implication should be highlighted as a separate paragraph, with a heading, in the CEQA review and future staff reports.   | 8-7 |

##### C. De-Link any Arroyo Project from the Veronica Development.

This proposed residential project should be evaluated separately and not mixed up with any purported creek restoration effort, and the EIR should address that. The work on the ground and in the water that the applicant has offered to perform simply should be valued at dollar-equivalent expense, and that money paid into a separate project account administered by the City Creeks Division as an appropriate and up-front mitigation.	8-8
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# Letter From David Pritchett

## Letter 8

Comments on revised EIR for proposed Veronica Meadows project, by **David Pritchett**  
(page 2/2)

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### **D. Basic Project Purpose.**

- |   |      |
|---|------|
| 1. The revised EIR notes that market-based housing is somehow a project objective and community need: "Develop market-rate housing to meet ongoing housing demands in the City". Market-based housing only increases housing demand because the people in the market rate housing generate a demand for more water and traffic capacity and leads to more service workers, government employees, etc. who cannot afford market rate housing, and that should be addressed in the EIR. | 8-9  |
| 2. More market rate housing is a community detriment for myriad reasons that dominate nearly all public discourse in City government affairs. That statement in the revised EIR should be justified and a much deeper explanation of the basic project purpose needs to be written up for the Deciders of the proposed Veronica project.  | 8-10 |

### **E. Project Hearing Process.**

- |   |      |
|---|------|
| 1. The attorney and other representatives for the applicant should speak at the appropriate times during a hearing and review of the project, and not be allowed to speak after public commentary so he gets the last word with his own spin and the public cannot rebut. | 8-11 |
|---|------|

### **F. Project Alternatives.**

- |  |      |
|--|------|
| 2. The "Executive Estate" project alternative that once was outlined so well in a staff report to Planning Commission should be revived for the EIR so the project Deciders have the full range of options. CEQA does not require that only project alternatives the applicant wants are the ones evaluated. | 8-12 |
|--|------|

### **G. Circulation.**

- |  |      |
|--|------|
| 3. The EIR should evaluate how a community Circulation goal could be attained by a bridge only suitable for bicycles and pedestrians (connecting Elings Park to a path joining the upper end of Alan Road).  | 8-13 |
| 4. The analysis should include a review on how a narrow bridge with a longer span would serve this function, and even address prefabricated bridges that likely would not need an abutment in the arroyo channel.  |      |
| 5. The analysis should note how such a longer and narrower bike/ped bridge may not be so huge that it tips the threshold of a Class 1 Impact. Yes, the need and expense of a traffic signal at Jerry H. Parkway also must be included in such an analysis. |      |

### **H. Traffic Impacts.**

- |  |      |
|--|------|
| 1. The approach recommended by Planning Commissioner White should be analyzed and incorporated into the EIR, where the amount of traffic down Alan Road should be determined to confirm the threshold of how much traffic is too much to fall below a Class 1 Impact at Cliff Drive.                                   | 8-14 |
| 2. Accordingly, a project alternative to meet that standard should be added to the mix. This analysis also should be detailed and realistic and clearly explain its assumptions on how many vehicle trips are generated by residences of that size and density, and include service workers, deliveries, and visitors. |      |

End of comments for now.

**Letter From  
William P. Parkin**

**Letter 9**

Jonathan Wittwer  
William P. Parkin

**WITTWER & PARKIN, LLP**  
147 SOUTH RIVER STREET, SUITE 221  
SANTA CRUZ, CALIFORNIA 95060  
TELEPHONE: (831) 429-4055  
FACSIMILE: (831) 429-4057  
E-MAIL: office@wittwerparkin.com

PARALEGAL  
Miriam Celia Gordon

April 28, 2008

**VIA U.S. MAIL, FACSIMILE and EMAIL**

Ms. Alison De Busk  
Project Planner  
Planning Division  
630 Garden Street, 2nd floor  
Santa Barbara, CA 93101  
Facsimile: 805-897-1904  
Email: Adebusk@santabarbaraca.gov

**RE: Veronica Meadows Specific Plan Revised Draft Environmental Impact Report**

Dear Ms. DeBusk:

This office represents Citizens Planning Association and Santa Barbara Urban Creeks Council, Inc. concerning the above referenced project. We are submitting the following comments on the above referenced Revised Draft Environmental Impact Report ("RDEIR") on behalf of our clients. Many of the comments concern a lack of information regarding the Project and the alternatives. Therefore, these comments request further information in this regard.

9-0

1) As a preliminary matter, the RDEIR process is inadequate because the City only circulated certain sections of the RDEIR. This is problematic because the proposed project has changed, and the new proposal is included as an alternative rather than as the proposed project. Alternatives analysis is not as detailed as the analysis on a proposed project. Therefore, the public does not have the ability to understand the true extent of the changes now proposed by the applicants. While the RDEIR asserts the changes are minor, it is hard to tell from the information provided. Moreover, it appears that the impact analysis in the RDEIR is changed slightly to reflect the new proposal, yet it is unclear. For instance, Table 3-10 was changed substantially. Was this table changed to reflect the new 2008 Project alternative? It is unclear why this table needed to be changed. Moreover, because the project has changed, the Project Description should be amended to reflect the current project, and the RDEIR recirculated in its entirety.

9-1

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 2

2) The RDEIR misrepresents the ruling of the Superior Court in overturning the Council's 2006 approval of the Project. The RDEIR states that the Council did not make adequate findings concerning the infeasibility of the alternatives. *See* RDEIR pages ES-1 and 1-6. However, the Court did not simply hold that the findings were inadequate. Instead, the Court held that the City Council failed to proceed in a manner required by law because a feasible alternative existed. *See* Court's Statement of Decision attached as Exhibit A wherein the Court states:

9-2

Contrary to real parties' claim, although disclosure and consideration of environmental information is an important aspect of CEQA, it is much more than a disclosure statute. CEQA contains powerful substantive mandates which *require* public agencies to adopt feasible alternatives or mitigation measures for projects that may otherwise cause significant and unavoidable (Class I) environmental effects. It *prohibits* approval of projects as proposed if there are feasible alternatives or feasible mitigation measures available that would avoid or mitigate the Class I environmental effects of such projects. *PRC* § 21002. If such feasible alternatives or mitigation measures exist, CEQA *prohibits* the public agency from adopting a Statement of Overriding Considerations, and *prohibits* the public agency from approving the project as proposed by a weighing of the benefits of the project as approved against the significant and unavoidable impacts. [Emphasis in original].

The RDEIR must be revised accordingly so that the Council and the public are not misled.

3) Page 1-6 of the RDEIR states that the information in the RDEIR is not significant within the meaning of 14 CCR Section 15088.5. However, this is patently false. The RDEIR makes rationalizations to come up with a particular result by contradicting or removing conclusions that were included in the original EIR, and changes the alternatives analysis. Therefore, the RDEIR must strike this assertion.

9-3

4) Page 3-1 of the RDEIR states that the an irreversible environmental sections is not included. However, such a discussion must be included. 14 CCR Section 15127 states that information concerning irreversible changes must be included for "[t]he adoption, amendment, or enactment of a plan..." The stricken language in the RDEIR admits this fact. The Project includes an amendment to the City's General Plan and Local Coastal Program. Therefore, the RDEIR must include information on significant irreversible environmental changes. Please revise the RDEIR accordingly, include information re irreversible environmental changes, and recirculate the RDEIR for public comment on this issue.

9-4

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 3

- |   |      |
|---|------|
| 5) The RDEIR lists a number of approvals that are needed from the City Council. However, the RDEIR, at pages 1-2 and 1-3, removes the Planning Commission from considering anything other than the certification of the RDEIR. Why has the Planning Commission been excluded as an advisory body for this Project?  | 9-5  |
| 6) The RDEIR does not list the City Council's consideration of the EIR and certification. Since the Planning Commission is an advisory body, the Council must ultimately certify the EIR. This issue was decided by the Superior Court. See Exhibit A attached hereto. The RDEIR must add this requirement to the list of approvals.  | 9-6  |
| 7) Is the City taking the position, as the applicants took before the Superior Court in <i>Citizens Planning Association, et al. v. City of Santa Barbara, et al.</i> , that anyone dissatisfied with the decision of the Planning Commission on the certification of the RDEIR must appeal the Planning Commission's determination to the City Council?  | 9-7  |
| 8) If the answer to the question above is "yes," how does the City justify requiring someone to file an appeal when CEQA requires the decisionmaking body to certify an EIR when CEQA requires the Council to certify the EIR and the Superior Court has already decided that that there is no need to appeal a Planning Commission's certification of an EIR?  | 9-8  |
| 9) The RDEIR does not list the County of Santa Barbara as an agency from which approval is needed. However, the applicants have simultaneously applied to the County for approval of a lot line adjustment. The lot line adjustment has been on hold because the City decertified the EIR after the outcome of the Superior Court case in this matter. Page 1-2 of the RDEIR states that the City will approve the lot line adjustment. The RDEIR must accurately reflect approvals by the County, if the County is going to approve the lot line adjustment. | 9-9  |
| 10) Was the County notified as a responsible agency pursuant to CEQA and the CEQA Guidelines?   | 9-10 |
| 11) Has the City consulted with the County of Santa Barbara as required by CEQA and the CEQA Guidelines concerning the proposed lot line adjustment and the RDEIR?  | 9-11 |
| 12) Have the applicants withdrawn their request for a lot line adjustment from the County of Santa Barbara?   | 9-12 |
| 13) If the applicants intend on proceeding with the lot line adjustment from the County of Santa Barbara, will the applicants be required to wait until certification of the RDEIR by the City Council before proceeding with the lot line adjustment? Or is it the position of the City that   | 9-13 |

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 4

Planning Commission certification is adequate for the applicants to proceed with approvals from other agencies?

9-13 Cont.

14) Page 1-3 of the RDEIR lists as a City Council action approval of the bridge for the Project on City-owned land. Moreover, the alternatives analysis discusses the impacts of the bridge on Arroyo Burro Creek and includes different locations of the proposed bridge. The Alternatives Analysis also discusses how the Alan Road Access Alternative would avoid the significant Class I impacts to the creek caused by the Bridge. However, the analysis in the RDEIR assumes that the City may grant an easement to the applicants in the first place. This is false. The land over which the access road and bridge would cross was given to the City for parkland and protection of the Creek. The City Charter states as follows:

9-14

Section 520. Disposition of Real Property or a Public Utility.

No land acquired by the City for or dedicated to public park or recreation purposes and no beach property or public utility now or hereafter owned or operated by the City shall be sold, leased or otherwise transferred, encumbered or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative votes of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted. Concessions, permits or leases compatible with and accessory to the purposes to which the property is devoted by the City and which are permitted by contract from and regulated by the City shall not be subject to this paragraph.

The proposed Project would violate this provision of the City Charter because the City-owned land was deeded to the City by the Los Positas Park Foundation. The purpose of the grant was to create parkland and to protect Arroyo Burro Creek. How does the City intend to justify granting an easement to the Project applicants given this restriction? Will the City hold an election pursuant to this City Charter Section?

15) If the City is attempting to justify the granting of an easement without an election, is the City attempting to rely on the last sentence with allows permits or leases compatible with and accessory to the purposes of the property's acquisition? If yes, it is clear that granting an easement for development of adjacent property is first of all not a permit or lease, nor is it compatible with, or accessory to, the purposes for which the property was acquired. How does the City justify granting an easement in this case?

9-15

16) The RDEIR must analyze the Project's inconsistency with City Charter Section 520. *See, The Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4<sup>th</sup> 903. Please include the such

9-16

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 5

analysis in the RDEIR.

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|--|------|
| 17) In addition to the City Charter, the deed for the land over which the bridge will be built states as follows: "THE PROPERTY SHALL BE USED EXCLUSIVELY AS A PARK FOR PUBLIC RECREATION PURPOSES AND ANY USE WHICH IS REASONABLY INCIDENTAL THERETO." See Exhibit B attached hereto. The Project would violate this express deed restriction. How does the City intend to avoid this deed restriction and grant an easement to the applicants?   | 9-17 |
| 18) The original grant of the City-owned property was from The California Province of the Society of Jesus to the Las Positas Park Foundation. See Exhibit B attached hereto. How did the City acquire the land from the Las Positas Park Foundation and what were the terms of the transaction?   | 9-18 |
| 19) Was any grant money used to purchase the City-owned property (by either the Las Positas Park Foundation or the City of Santa Barbara), over which the access road and bridge will be constructed? If so, were there any restrictions imposed as a result of the grant?   | 9-19 |
| 20) Has the City negotiated a price for the easement it will grant the applicants? If so, what is the agreed upon price? If not, will the City be negotiating a price for the easement it will be granting the easement to the applicants? Or, will the easement be granted without payment?   | 9-20 |
| 21) Has the City, the applicants or any other person or entity done an appraisal on the value of the easement? If so, what is the appraised value of the easement?   | 9-21 |
| 22) How wide and how long is the proposed easement?  | 9-22 |
| 23) The RDEIR must analyze the inconsistencies of the Project with the City Charter and the deed restriction stated above. Clearly, the project is not legally feasible because it would violate both the City Charter (unless the voters approved the easement across City land), and the deed restriction. The California Supreme Court has stated that "land which has been dedicated as a public park must be used in conformity with the terms of the dedication, and it is without the power of a municipality to divert or withdraw the land from use for park purposes." <i>City of Hermosa Beach</i> , 231 Cal.App.2d at 300 (quoting <i>Slavich v. Hamilton</i> (1927) 201 Cal. 299, 302). The court held that the city was "duty bound not to divert the use of the property from its dedicated purposes, and any attempt to do so would be an <i>ultra vires</i> act within the rule of the <i>Silver</i> case." <i>Id.</i> at 300 (referring to <i>Silver v. City of Los Angeles</i> (1961) 57 Cal.2d 39) (emphasis added). | 9-23 |
| 24) Given the City Charter and the deed restrictions on the City-owned property, the RDEIR must analyze the legal infeasibility of all alternatives that require the construction of the bridge over   | 9-24 |

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 6

Arroyo Burro Creek.

25) The RDEIR mentions that one of the roads in the subdivision cannot be moved away from Arroyo Burro Creek without removing significant trees. However, it is unclear how close internal roads in the proposed development would be to Arroyo Burro Creek. Please identify how close roads will be to Arroyo Burro Creek and at what locations.

9-25

26) Pages 3-68 and 70 of the RDEIR takes liberties with the Project's consistency with Public Resources Code Section 30236 and LCP Policy 6.11. Section 30236 and Policy 6.11 apply to water supply projects, flood control projects, and "developments where the primary function is the improvement of fish and wildlife habitat." The Project is not a water supply project. The RDEIR states that the purpose of the restoration is for flood protection. This is untrue. Most of the floodplain follows the contours of Arroyo Burro Creek (See Figure 3-2.). Finally, this is not a development "where the primary function is the improvement of fish and wildlife habitat." The clear purpose of this development is to construct 25 homes. Accordingly, the RDEIR must be revised to state that the Project is inconsistent with Section 30236 and Policy 6.11.

9-26

27) Page 3-68 and 69 conclude that the Project is potentially inconsistent with Public Resources Code Section 30240, which protects environmentally sensitive habitats. Yet, the RDEIR offers no solution for this inconsistency. The RDEIR must offer a mitigation for this inconsistency, which means removing the offending components of the Project to comply with Section 30240. Moreover, the Project cannot be approved if there is an inconsistency.

9-27

28) Page 3-62 of the RDEIR states "Ultimately the decision makers in the City, the Council, may reach a different conclusion, as long as it is supported by evidence and is explained in appropriate environmental findings." This is at odds with the public's understanding of CEQA. What is the legal basis for this assertion?

9-28

29) The RDEIR at pages 4-8 and 9 makes a number of assumptions concerning development under the No Annexation Alternative, which would result in the application of the County General Plan and zoning. Indeed, the RDEIR assumes that development under County zoning would be more dense than under the County General Plan. However, the County General Plan governs. A development permit must be consistent with the County's General Plan. "[T]he requirement of consistency is the linchpin of California's land use and development laws; it is the principle which infused the concept of planned growth with the force of law." *deBottari v. City of Norco* (1985) 171 Cal App. 3d 1204, 1213. A General Plan has often been analogized as the "constitution for all future developments...." *deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1212, citing, *O'Loane v. O'Rourke* (1965) 231 Cal.App.2d 774, 782. Even so, the assumption of 47 units for Parcel Number 047-010-016 under the County General Plan is a stretch given site constraints. The RDEIR even

9-29

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 7

admits on page 4-8 that

It is likely that the number of units that would be constructed would be less because of steep slopes and landslide constraints on the west side of this parcel. Hence, the number of units on the 10.28-acre parcel would likely be similar (i.e., 20 to 25 units) to the total number of units under the proposed project. However, the density of units under this alternative could be higher than for the proposed project. In addition, very little open space would be included in the development of the 10.28-acre parcel.

These assertions do not make sense since the remaining lots are considered unbuildable as set forth in Table 4-1. Accordingly, the RDEIR must accurately state the extent of development under the County General Plan.

The RDEIR attempts to avoid discussing the issue by vague assertions concerning potential buildout. Moreover, development under the County General Plan may not cause any more significant impacts than the proposed project. The RDEIR must be corrected so that it does not mislead the public or the decision makers into believing that the County would permit greater development. The hearings on the previous approval of the Project bear this out. The applicants have repeatedly stated that the City must annex the property to avoid a worse development scenario. If such development under the County's jurisdiction was so generous, the applicants would have already applied for development under the County's regulations and annexation would be unnecessary.

30) The County has already stated that if the project were processed under the County's jurisdiction pursuant to the No Annexation Alternative, the County's inclusionary housing ordinance would provide for "10% low, 15% lower-moderate or 20% upper-moderate" units. *See Exhibit C* attached hereto. The proposed Project does not provide for the level of affordability, or require affordability. It assumes that the type of units being built will be affordable. The RDEIR and the alternatives analysis must provide analysis and information concerning the affordable housing component under the County's jurisdiction and compare it to the proposed Project. It must also clearly state that the under the annexation proposal, valuable affordable housing will be lost.

31) Has the City consulted the County Planning Department to determine the actual development potential under the County's General Plan and zoning ordinances? If so, when was the County consulted, and what was the position of the County Planning Department?

32) How did the City determine the development potential under the County General Plan and zoning ordinances?

33) A City Staff Report previously concluded that "the current County designations allow

9-29 Cont.

9-30

9-31

9-32

9-33



**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 8

for more development on the site than what is proposed. However, given on-site constraints, the actual development that might be approved by the County could be significantly less than the maximum density allowed under the zoning, as determined by the County decision-makers." See Exhibit D attached hereto. The City obviously has a better idea of what the development potential of the parcel is under the County General Plan and the County zoning. Please explain in detail what the real potential for development is under the County General Plan and zoning.

9-33 Cont.

34) The County has stated that the setback from Arroyo Burro Creek should be 100 feet from the "top-of-bank." See Exhibit C attached hereto. If the County believes that the setback should be that large, would that also further reduce the development potential on the site under the No Annexation Alternative?

9-34

35) The No Annexation Alternative in the RDEIR also assumes that the bridge would be constructed over Arroyo Burro Creek. RDEIR at page 4-9; see also page 4-32. However, the County has stated that Alan Road access is environmentally superior and that the bridge should not be constructed. See Exhibit C attached hereto. Moreover, the City Charter and the deed restrictions as discussed *supra*, do not allow the construction of the bridge. The No Annexation Alternative should not assume that the bridge would be built. The assumption that a bridge will be built skews the alternatives analysis. This is particularly true since the County is not in favor of the bridge. The alternatives analysis must be revised accordingly.

9-35

36) The RDEIR adds information concerning the noise impacts of Phase 2 construction traffic on the Alan Road residents. The EIR considers impacts of truck traffic on Alan Road to be a Class I impact. However, the type of truck traffic for phase 1 of the development is much different and causes more impacts than truck traffic for Phase 2. The truck and equipment traffic for phase 1 will involve heavy equipment, excavators, tractors, loading trucks for soil, and a host of other extremely heavy traffic. Truck traffic for phase 2 will largely be for materials and building of single family residences. The RDEIR must analyze the different types of truck traffic for Phase 1 and Phase 2 and recirculate the RDEIR for public comment. The public is being misled into believing that Phase 2 truck traffic will cause as much impacts as Phase 1.

9-36

37) Will Phase 1 construction include excavation and grading for roads and building pads for homes? Please explain what type of construction will occur under Phase 1.

9-37

38) How many trucks and the type of trucks will be using Alan Road each day during Phase 1?

9-38

39) Under the Alan Road Access Alternative, how many trucks and the type of trucks will be using Alan Road each day during Phase 2?

9-39

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 9

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|---|------|
| 40) Since the Alan Road Access Alternative does not involve the construction of the bridge, Phase 1 construction traffic would be less. The RDEIR must reflect this fact. The construction of the bridge would require more heavy equipment to use Alan Road. Why does the RDEIR assume that the Phase 1 construction traffic noise for the proposed project and the Alan Road Access Alternative are the same?       | 9-40 |
| 41) Will actual construction of the homes and landscaping be the extent of the activity on the site under Phase 2? If not, what other types of construction traffic will occur?   | 9-41 |
| 42) Does the City distinguish between temporary environmental impacts such as construction traffic, and permanent environmental impacts such as those caused by the bridge to be built over Arroyo Burro Creek?   | 9-42 |
| 43) The proposed project includes three homes on Alan Road with no vehicle access to the remainder of the development. Traffic for the proposed Project will be using Alan Road for these three lots. The RDEIR must be revised to include information concerning construction traffic for phase 2 which includes construction of these lots. The RDEIR assumes there will no longer be truck traffic during Phase 2. | 9-43 |
| 44) The RDEIR states that it is uncertain whether the Alan Road Access Alternative is feasible from a "social" and "community compatibility" perspective. CEQA does not provide for the City to determine whether a project is infeasible from a "community compatibility" perspective. On what legal basis is the RDEIR asserting possible infeasibility based on a "community compatibility" perspective?           | 9-44 |
| 45) The RDEIR bases its assertion that it is uncertain whether the Alan Road Access Alternative is feasible from a "social" perspective on the objections of Alan Road residents. Does the objections of the Citizens Planning Association and the Santa Barbara Urban Creeks Council, and the filing of a lawsuit by these groups, also constitute a basis for finding "social" infeasibility? If not, explain why.  | 9-45 |
| 46) The Alan Road Access Alternative discussion mentions Resolution 7528 prohibiting through traffic on Alan Road. However, this resolution does not prevent development of Veronica Meadows, nor does it prohibit access to Veronica Meadows via Alan Road. The Final EIR previously certified and ordered rescinded made this clear. The RDEIR must not confuse the issue and must be clarified.                    | 9-46 |
| 47) The Final EIR determined that the Alan Road Access Alternative was feasible. Now the RDEIR attempts to undo that conclusion and states "It is not within the scope of this EIR to make  | 9-47 |

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 10

any final determination on the feasibility of this alternative, particularly based on social, economic, and housing factors.” Why did the RDEIR remove the EIR’s conclusions of feasibility?

9-47 Cont.

48) Has the City defined the Project Objectives, or have the applicants defined them?

9-48

49) The RDEIR at page 4-15 states that the Alan Road Access Alternative “may not achieve the project goals of improving public pedestrian and bicycle access in the Las Positas Valley and ensuring community compatibility of the proposed project with the existing neighborhoods along Alan Road.” However, “community compatibility” was not listed as a Project Objective in the EIR. So this statement must be revised.

9-49

50) Since traffic and noise impacts to Alan Road are insignificant once the Project construction is completed, why would the Alan Road Alternative not be compatible with existing neighborhoods along Alan Road?

9-50

51) Bicycle and pedestrian access can be provided independently of the vehicle bridge. If the applicants have defined the Project Objectives and made bicycle and pedestrian access a Project Objective, then the applicants should be willing to contribute towards the development of a bike and pedestrian system that is independent of the vehicle bridge. Why then does the Alan Road Access Alternative assume that a pedestrian and bicycle bridge “would likely involve construction by the City” and “financial responsibility” is “undetermined?” Afterall, the applicants’ cost would drop dramatically if they do not have to construct a vehicle bridge.

9-51

52) Recently, a new trail section has been constructed on Elings Park property. It appears that the existing trail system within the park has been extended to the intersection of Cliff Drive and Las Positas. This trail provides the bicycle and pedestrian traffic in the Las Positas Valley. The trail system links Mesa and West Side neighborhoods with Arroyo Burro Beach, which has been touted as a benefit of the Veronica Meadows project. It appears that this benefit has already been met by construction of this new trail segment, and that it is no longer necessary to provide bridge access to the Veronica Meadows project site for this purpose. This new information must be included in the RDEIR.

9-52

53) The RDEIR at page 4-15 admits that a 15-unit project with access via Alan Road would reduce any significant effect on traffic at Cliff Drive/Las Positas Road. Accordingly, a lower density alternative must be addressed in the RDEIR since this would be a feasible manner in which to reduce impacts.

9-53

54) Would a 15-unit subdivision further reduce construction traffic noise during Phase 1 or Phase 2, or both?

9-54

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 11

55) The RDEIR glossed over important information regarding the Alan Road Access Alternative that is included in Appendix F of the Final EIR. The RDEIR concludes that the traffic impacts from the Alan Road Access Alternative result in a Class I impact to the intersection of Cliff Drive/Las Positas Road. However, Appendix F concludes that the impact would only persist until a planned roundabout is constructed at the intersection. At that point, the intersection would operate at LOS A-B. According to Appendix F, the intersection improvements were expected to occur in 2008. Funds have been programmed for this intersection, but have been delayed awaiting the annexation of Veronica Meadows. *See Exhibit E attached hereto.* It should also be noted that the applicants are required to contribute to these intersection improvements. *See Mitigation TR-6.* Therefore, given that the Project will take one and one-half years to complete, and the improvements will be in place, there will be no Class I impacts associated with the Alan Road Alternative. Moreover, there clearly is a feasible mitigation available that avoids the impact to the intersection of Cliff Drive and Las Positas Road. Accordingly, the assertion in the RDEIR that the Alan Road Access Alternative will cause significant Class I impacts to the intersection of Cliff Drive and Las Positas Road must be deleted.

9-55

56) Page 4-16 and 17 of the RDEIR states that a pedestrian and bicycle bridge without a vehicle component "would likely have similar significant biological impacts as the project's proposed vehicle bridge." However, what is the basis for this conclusion? As the RDEIR admits, the exact alignment of such a bridge is unknown. Moreover, a pedestrian bike bridge clearly does not have the same impacts as a vehicle bridge.

9-56

57) What would be the width of a bicycle and pedestrian bridge that has no vehicle access?

9-57

58) Has the City done any analysis concerning the impacts of a bicycle and pedestrian bridge?

9-58

59) As part of assessing the economic feasibility of different alternatives, the cost of the vehicle bridge must be ascertained. What is the cost of constructing the vehicle bridge? What is the cost of constructing a pedestrian/bicycle bridge?

9-59

60) The RDEIR states that the Avoid Landslides Alternative is "potentially infeasible because the reduction in residential units would be substantial (up to 11 lots), and could make the proposed project economically infeasible for the applicant." What is the basis for this assertion? This alternative would result in the construction of 14 units. The applicants previously proposed a 15-unit project in 2006. The RDEIR makes this assertion without any factual basis.

9-60

61) Has the City factored in the developer's land costs and cost of construction to arrive at a determination of potential infeasibility for the Avoid Landslides Alternative?

9-61

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 12

62) With respect to the Alternative Creek Setbacks Alternative, the RDEIR states that the economic feasibility of these alternatives is unknown at this time. Will the City Staff and the City Council analyze the economic feasibility of this alternative?

9-62

63) Page 4-32 of the RDEIR states that the Avoid Landslides Alternative and the Creek Setback Alternative "appear" to be "economically infeasible." This is an even stronger statement than made elsewhere in the RDEIR. (Although, this page of the RDEIR states that the Creek Setbacks Alternative will be infeasible "if the reduction in the number of lots is severe." *See also* page 4-33.) Yet, there is no basis for these assertions. The analysis is also inconsistent. The RDEIR cannot make these conclusions without any supporting basis. The RDEIR must provide the analysis for this conclusion. This is particularly true since the applicants were willing to construct a 15-unit project in 2006.

9-63

64) Even though the Alan Road Access Alternative avoids the Class I impacts to Arroyo Burro Creek, the RDEIR identifies the Alternative Creek Setbacks Alternative as the environmentally superior alternative. How can the RDEIR justify such a conclusion when clearly the Alan Road Access Alternative avoids Class I impacts to Arroyo Burro Creek? The Alan Road Access Alternative completely avoids the impacts to the creek, while the Alternative Creek Setback Alternative merely provides added protection for the creek, but does not remove the significant Class I impacts. While the Alternative Creek Setbacks Alternative is certainly superior to the proposed project, it is not superior to the Alan Road Access Alternative.

9-64

65) Mitigation Measure BIO-1 discusses the creation of a comprehensive habitat restoration plan. However, the essential components of the plan and its efficacy is uncertain. The RDEIR must analyze the plan's ability to provide mitigation and/or set minimum standards that the plan must achieve.

9-65

66) The RDEIR states that there have been no recent observations of Sharp-shinned hawks. However, the review refers to observations done in 1999 and 2000. Therefore, please clarify whether there have been recent investigations or surveys of this species on the project site.

9-66

67) The RDEIR reveals that the Arroyo Burro Creek is a tributary to the Arroyo Burro estuary where the endangered tidewater goby occurs. However, none of the analyses in the RDEIR or FEIR discuss impacts to the tidewater goby. How will water quality be effected from increased runoff? Will the changes in water quality impact the tidewater goby habitat? Will changes in water quantity affect the viability of the tidewater goby in the estuary?

9-67

68) On page 3-48, 49 of the RDEIR, the sensitive Oak woodland habitat is discussed. However, there is no full list of the number of trees on the site and the full number to be removed.

9-68

**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 13

The FEIR explains the removal of 97 trees on page 2-16, but does not disclose the total number of trees on the site. What is the current tree inventory? Will the tree removal for the 2008 Project involve removal of the same 97 trees listed in the FEIR?

9-68 Cont.

69) On page 3-58 of the RDEIR, the applicants propose to restore two eroded portions of the west bank of Arroyo Burro Creek, but the RDEIR concludes there is a potential for the bank repair as currently proposed, to destabilize these slopes and increase bank erosion along the creek. Please show redesign of this mitigation and disclose a plan that will not increase bank erosion along the creek.

9-69

70) Although the RDEIR cites to *Sierra Club v. California Coastal Commission* (2005) 35 Cal. 4<sup>th</sup> 839, 848-849 to explain that the Coastal Act does not provide the Coastal Commission with jurisdiction outside of the Coastal Zone, the case does explain that the Commission may take into account those impacts from the proposed project that will affect the Coastal Zone project area. Therefore, the RDEIR must reflect the impacts of the project to the Coastal Zone. It appears that the RDEIR stops short of this analysis by failing to discuss water quality impacts associated with erosion, sedimentation and other impacts. Although the RDEIR states that the proposed bridge on the northern portion of the project site would not directly impact resources within the Coastal Zone, it does not disclose indirect impacts of the bridge on the Coastal Zone. What are the indirect impacts to the Coastal Zone? In addition, the conclusory nature of the direct impact statement does not disclose what considerations were made to reach that conclusion.

9-70

71) The statement on page 4-14 of the RDEIR that "Other than the applicant, no individual or group offered support for this Alan Road Access proposal" misleads the public given the litigation by Citizens Planning Association and the Santa Barbara Urban Creeks Council. There are a number of organizations that believe that a bridge across Arroyo Burro Creek is objectionable and that access should be via Alan Road.

9-71

Finally, pursuant to Public Resources Code Section 21167(f), I am requesting that the City forward a Notice of Determination. That section provides:

9-72

"If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid."

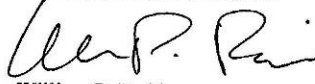
**Letter From  
William P. Parkin**

**Letter 9**

Ms. Alison De Busk  
Re: Comments on RDEIR  
April 28, 2008  
Page 14

Thank you for your consideration of these comments. I look forward to the City's written response to these comments.

Very truly yours,  
WITTWER & PARKIN, LLP



William P. Parkin

cc: clients

Letter From  
William P. Parkin

Letter 9

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LAW DFC MARC CHYILDO

PAGE 09/17

FILED  
SANTA BARBARA  
SUPERIOR COURT

DEC 0 5 2007

GARY M. BLAIR, EXEC. OFFICER

By Robert A. Vallejos  
ROBERT A. VALLEJOS, JUDICIAL CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

CITIZENS PLANNING ASSOCIATION

Vs

CITY OF SANTA BARBARA

Case No. 1243174

STATEMENT OF DECISION

This matter came on for hearing on my Civil Law and Motion calendar. Counsel requested a Statement of Decision. Although I do not think one is either required or necessary because counsel believed it was important I told them I would do it.

November 13, 2007 - CEQA petition for writ of mandamus.

**Ruling: Granted.** The Court will issue a writ of mandate directing that the City Council rescind certification of the EIR and all approvals associated with the Project, and remand the matter to them for further consideration in conformance with CEQA.

Analysis



**Letter From  
William P. Parkin**

**Letter 9**

01/29/2008 13:41 8056822379

LAW OFC MARC CHYTILO

PAGE 10/17

**Evidentiary Objections**

By Real party in interest to the declaration of Edward C. Harris. The Court will deny the objections to the Harris declaration and will consider the declarations of Allison DeBusk, Russell Barker and Robin L. Lewis in response. However, the "supplemental declaration" of Mr. Harris filed on November 8, 2007 is struck. It was filed after the Response and the Court considers that too late.

**Statute of Limitations**

The court finds that the petition is not barred by the statute of limitations, even without consideration of the extra-record evidence submitted by the parties, but particularly in light of such evidence.

The City created the problem by issuing 2 substantially identical NODs, only days apart. Real parties cannot be held to complain that a petition timely filed with respect to the second is barred by the statute of limitations, and that only the first NOD "counted" for statute of limitations purposes. If city intended only the first NOD to be the "real" one, and the only NOD to trigger the statute of limitations, it had only to refrain from issuing a second almost identical one. The confusion it created by issuing two NODs, and by forwarding only the latter to petitioners' representative in response for a request for "the" NOD on the project, is more than sufficient to render the petition timely filed.

**Exhaustion of Administrative Remedies**

The court finds that the petition is not barred by the failure to exhaust administrative remedies. Real Parties characterize the petition as a challenge to the Planning Commission's certification of the EIR, which they contend must be appealed to the City Council. Since this was not done, Real Parties contend that petitioners failed to exhaust their administrative remedies, and that the petition is therefore barred. However, the petition challenges the actions of the City Council in approving the project, and making the

**Letter From  
William P. Parkin**

**Letter 9**

01/29/2008 13:41 8056822379

LAW OFC MARC CHYILO

PAGE 11/17

1 findings it made in support of the approval. The Planning Commission may have certified  
2 the EIR, but it was the City Council which was the decision-making body on the project.  
3 The Court agrees with Petitioners that they were not required to appeal the certification of  
4 the EIR, as a procedural prerequisite to maintaining this action.

5  
6 **Merits of the Petition**

7 The City cannot adopt a statement of overriding considerations and approve a project  
8 with significant impacts. It must first adopt feasible alternatives and mitigation measures.  
9 City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th  
10 341. If significant impacts still remain after adoption of mitigations and alternatives, only  
11 then may the project be approved with a stating of overriding considerations, which must  
12 in turn be supported by substantial evidence in the record of the agency proceedings.  
13 Woodward Park Homeowners' Assn v. City of Fresno (2007) 149 Cal.App.4th 892.

14 The City's findings must be supported by substantial evidence. A finding that an  
15 alternative is infeasible must describe the specific reasons for its rejection. Guideline  
16 15091(c). Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336.  
17 Real Parties preference against an alternative doesn't make it infeasible. Uphold Our  
18 Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587.

19  
20 **The Alan Road Access Alternative**

21 The EIR stated that the Alan Road Alternative was feasible. Accordingly, Real Parties'  
22 assertion that the City Council can simply make a statement of overriding considerations is  
23 contrary to law. The Alan Road access alternative would not require a bridge, and avoids  
24 the significant and unavoidable impacts to the creek caused by the project. The EIR  
25 concludes it is feasible. Alternatives and mitigation sections are the core of an EIR. The  
26 agency cannot proceed with a project that will have significant unmitigated effects on the  
27 environment, based simply on a weighing of those effects against project benefits, unless  
28 measures necessary to mitigate those effects are truly infeasible. However, that "weighing"

**Letter From  
William P. Parkin**

**Letter 9**

01/29/2008 13:41 8056022379

LAW DFC MARC CHYTILO

PAGE 12/17

1 is what the City did here. Its findings included that the Alan Road access alternative would  
2 avoid the significant, unavoidable biological impact of the bridge, but would forego the  
3 benefit of providing new pedestrian and bicycle coastal access from Las Positas Road and  
4 Ellings Park, and that the benefit outweighed the impact to biological resources. Use of an  
5 erroneous standard constitutes a failure to proceed in a manner required by law.

**Creek Setback**

6  
7  
8 This Court rejects the Petitioner's analysis of the creek setback. Petitioners contend the  
9 City should have adopted an alternative with 100-foot setback from the creek. The  
10 contention is not supported by the record, and the rejection was proper and based on  
11 substantial evidence. The EIR found the proposed houses would not create any Class I  
12 environmental impacts, and would only create significant but mitigatable (Class II)  
13 impacts, and that appropriate mitigation measures were imposed. The setback alternative  
14 would only reduce Class II impacts, which facts are fatal to Petitioners' claims, since  
15 CEQA does not prohibit the City from approving a project with Class II impacts, even if  
16 there is an available alternative that would further reduce or eliminate those impacts. PRC  
17 §§ 21002, 21002.1(c); Guideline §§ 15043, 15092(b).

18  
19 There was extensive expert testimony from Mitchell Swanson that alternative creek  
20 setbacks would not significantly improve the environmental impacts of the project, and  
21 were not needed to mitigate the project's impacts. (5 AR 2430-2436). He opined the  
22 proposed setback was adequate to protect, creek, wildlife, and water quality. His opinion  
23 constitutes substantial evidence to support the City's findings.

24  
25 The EIR concluded the alternatives were technically feasible, but that economic  
26 infeasibility was unknown. The City concluded that the economic impact could  
27 substantially reduce applicant's financial ability to implement the creek corridor  
28 restoration measures. (1 AR 15). Petitioners overlook that each alternative also includes  
the bridge, which is the sole element of the project which causes Class I impacts. They will

**Letter From  
William P. Parkin**

**Letter 9**

01/29/2008 13:41 8056822379

LAW OFC MARC CHYTILO

PAGE 13/17

1 not reduce the Class I impacts, because the bridge would remain. The City was therefore  
2 under no obligation to adopt them.

3  
4 **Avoid Landslides Alternative**

5 This Court rejects the Petitioner's analysis of the avoid landslides alternative.

6  
7 Petitioners argue substantial evidence does not support the City's conclusion that  
8 this alternative was infeasible. The EIR concluded the alternative may be potentially  
9 infeasible because the reduction in residential units would be substantial and could make  
10 the project economically infeasible. Since landslide stabilization would not be required,  
11 however, the development costs would be reduced, rendering it possibly feasible. This  
12 alternative does not eliminate the bridge, which is the reason there are Class I impacts on  
13 the project. Even if this alternative were selected, the impacts would remain.

14 Further, the finding of economic infeasibility, while unnecessary to rejection, is  
15 credible and based on substantial evidence. There were periodic discussions of lower  
16 density development with estate-sized homes. Planning staff concluded there would not be  
17 a market for them immediately adjacent to a middle-class neighborhood with smaller and  
18 older homes and lots. They also opined that lower density would not provide sufficient  
19 funds to do creek restoration as part of the project. At the 12/12 hearing, staff stated that  
20 lower density alternatives had been considered, but that they mostly did not meet project  
21 objectives—in terms of creek restoration. Therefore, staff opinion provided substantial  
22 evidence to support findings that the alternative was not economically feasible.

23 **Request for Judicial Notice**

24 The Court will take Judicial Notice of Resolution 94-064, which adopted City Guidelines  
25 for implementation of CEQA.  
26  
27  
28

Letter From  
William P. Parkin

Letter 9

01/29/2008 13:41 8856822379

LAW OFC MARC CHYTILO

PAGE 14/17

December 4, 2007 - Hearing regarding proper remedy re CEQA writ.

Ruling: The Court will retain the ruling as made in previous tentative

Analysis: Real parties also caution the court against making any order that would require the City to approve the Alan Road access alternative, but also curiously state that the only mandate necessary or justified is an order directed specifically at the Alan Road

Alternative finding. Let there be no mistake: The court has not entered any order which would require the City to approve the Alan Road access alternative. Indeed, the court has not entered any order which would require the City to approve *any* project. The court's only concern is that the mandates of CEQA are complied with. It has therefore rescinded the approvals for the project as proposed, and sent the matter back to the City for proceedings (if any) in compliance with CEQA.

Contrary to real parties' claim, although disclosure and consideration of environmental information is an important aspect of CEQA, it is much more than a disclosure statute. CEQA contains powerful substantive mandates which *require* public agencies to adopt feasible alternatives or mitigation measures for projects that may otherwise cause significant and unavoidable (Class I) environmental effects. It *prohibits* approval of projects as proposed if there are feasible alternatives or feasible mitigation measures available that would avoid or mitigate the Class I environmental effects of such projects. *PRC* § 21002. If such feasible alternatives or mitigation measures exist, CEQA *prohibits* the public agency from adopting a Statement of Overriding Considerations, and *prohibits* the public agency from approving the project as proposed by a weighing of the benefits of the project as approved against the significant and unavoidable impacts.

Unfortunately, that is precisely what happened here. The EIR found that there were feasible alternative which would avoid the Class I impacts of the project as proposed by real parties. As a result, the City acted contrary to CEQA when it approved the Veronica Meadows project as proposed, despite the existence of significant and unavoidable (Class I) environmental impacts. The City acted contrary to CEQA when it approved any project other than one including feasible alternatives or feasible mitigation measures. Because

Letter From  
William P. Parkin

Letter 9

01/29/2008 13:41 8856822379

LAW DFC MARC CHYTILO

PAGE 15/17

1 feasible alternatives and/or mitigation measures existed, it violated CEQA for the City to  
2 adopt any Statement of Overriding Considerations for any project which did not include  
3 feasible alternatives or mitigation measures.

4 Real parties appear to argue that the project can be saved, if only the City can go back  
5 and better articulate its reasons—presumably in the Statement of Overriding  
6 Considerations. What real parties appear not to grasp is that, because feasible alternatives  
7 have already been found to exist, there can be no Statement of Overriding Considerations.  
8 A Statement of Overriding Considerations can only be adopted when no feasible  
9 alternatives or mitigation measures exist.

10 The parties also spend considerable effort disputing whether the court can order that  
11 certification of the EIR be rescinded. Real parties argue that that it cannot, largely based  
12 on an argument that the EIR was certified by the Planning Commission, and not by the  
13 City Council, and that the certification decision is beyond any attack since no appeal from  
14 that decision was taken. Petitioners argue that because the Planning Commission was not  
15 the decision-making body with respect to the project, its certification “decision” was  
16 nothing more than an advisory opinion, which the City Council could consider, but that  
17 certification could only be accomplished by the City Council as the decision-making body.

18 The court agrees with petitioners that the certification must be by the decision making  
19 body, that in this case the decision-making body was the City Council, and that challenge to  
20 the EIR was not precluded by failure to appeal the planning commission’s certification  
21 decision. Part of the “certification” itself is that the decision-making body reviewed and  
22 considered the information prior to approving the project (Guideline 15090(a)). If the City  
23 Council is the decision-making body for the project, it is difficult to see how the Planning  
24 Commission could pre-certify that the City Council had reviewed and considered the  
25 information prior to approving the project. Further, Guideline 15202(b) requires that any  
26 public hearing for approval of a project should include the environmental review as a  
27 subject for the hearing (Guideline 15202(b)). See also *Bakersfield Citizens for Local Control*  
28 *v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184. The Court is familiar with *Tahoe Vista*

Letter From  
William P. Parkin

Letter 9

8/29/2008 13:41 8056822379

LAW OFC MARC CHYTIL

PAGE 16/17

1 *Concerned Citizens v. County of Placer* which appears not to apply, because in that case the  
2 planning commission was the decision-making body--it decided to issue the CUP.

3 Therefore, it appropriately certified the EIR.

4 No challenge to the sufficiency of the EIR was made in this proceeding, and the action  
5 was decided based upon findings made in the existing EIR. No argument has been made  
6 that the EIR was inadequate as an informational document. However, given these  
7 authorities, and given that the court has no authority or desire to restrict the actions of the  
8 City in terms of what future project (if any) or alternatives it may approve, except to  
9 require that they conform to the mandates of CEQA, the court does not think it has any  
10 option but to rescind certification of the EIR, so as to allow the City the fullest possible  
11 discretion to proceed in whatever manner it sees fit. In rescinding the certification, the  
12 court is not prohibiting the City from proceeding with the existing EIR, but is giving it the  
13 discretion to reopen environmental review if it deems it necessary.

14 Whether or not certification is rescinded would not be determinative of whether  
15 further environmental review may be required or may occur in any event. On this record  
16 the project as proposed could not be approved, and real parties appear resistant to  
17 acceptance of the feasible alternatives set forth in the EIR. To the extent that further  
18 alternatives can be devised which were not discussed in the current EIR, and are both  
19 feasible and avoid or mitigate the proposed project's significant and unavoidable Class I  
20 impacts, CEQA would require additional formal environmental review. To the extent the  
21 EIR remains intact, that could be accomplished by addendum to the existing EIR, or by  
22 supplemental EIR, as appropriate.

23 Judgment

24 Mr. Parkin shall prepare the Writ/Order/Judgment and it shall be submitted to Mr.  
25 Amerikaner and Mr. Wiley for signature in accordance with the local rules of Court. If the  
26 signature cannot be obtained, counsel shall follow the protocol set out in the local rules.  
27 (See Local Rules, Rule 1414.)  
28

**Letter From  
William P. Parkin**

**Letter 9**

01/29/2008 13:41 8856822379

LAW OFC MARC GHYILO

PAGE 17/17

1  
2 Dated: December 5, 2007  
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**Thomas P. Anderle  
Judge**



Letter From  
William P. Parkin

Letter 9

04-14-00 11:04 PM  
RECORDING REQUESTED BY  
FIRST AMERICAN TITLE

93-105297

Order No. SR-1402117-PW  
Escrow No. SR-1402117-PW  
Loan No.

WHEN RECORDED MAIL TO:  
LAS POSITAS PARK FOUNDATION  
1298 Las Positas Road  
Santa Barbara, Ca. 93105

Recorded  
Official Records  
County of  
Santa Barbara  
Kenneth A Pettit  
Recorder  
8:00am 30-Dec-93

Net Fee  
\$100  
Total  
\$10.00

1-310 P02/08 U-104

FATC BB 2

STAMPS AFFIXED  
AFTER RECORDING

MAIL TAX STATEMENTS TO:  
SEE ADDRESSEE ABOVE

A.P.# 47-010-49  
47-010-09

DOCUMENTARY TRANSFER TAX \$ ON REVERSE  
Computed on the consideration or value of  
property conveyed; OR  
Computed on the consideration or value less  
liens or encumbrances remaining at time of sale.

Sig. of Decl. or Agent deter. tax - Firm Name

GRANT DEED

MONUMENT SURVEY \$10.00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE CALIFORNIA PROVINCE OF THE SOCIETY OF JESUS, a Corporation

hereby GRANTS to

LAS POSITAS PARK FOUNDATION, a Non-profit Corporation

the real property in the unincorporated area of the  
County of Santa Barbara, State of California, described as follows:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT 'A' AND MADE A PART HEREOF

THE PROPERTY SHALL BE USED EXCLUSIVELY AS A PARK FOR PUBLIC RECREATION PURPOSES  
AND ANY USE WHICH IS REASONABLY INCIDENTAL THERETO

Dated: December 26, 1993

THE CALIFORNIA PROVINCE OF THE  
SOCIETY OF JESUS, a Corporation

STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA ss.

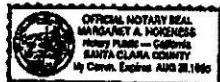
On December 28, 1993, before  
me, the undersigned, personally appeared  
ROBERT L. ST. CLAIR, S.J.

*Robert L. St. Clair, S.J.*  
By: Robert L. St. Clair, S.J.

personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me  
that he/she/they executed the same in his/her/their  
authorized capacity(ies) and that by his/her/their  
signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal.

Signature *Margaret A. Hansen*



EXHIBIT

B

Letter From  
William P. Parkin

Letter 9



County of Santa Barbara  
Planning and Development

Valentin Alexeeff, Director  
Dianne Meester, Assistant Director

November 5, 2004

Renee Brooke, Associate Planner  
City of Santa Barbara, Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

NOV 08 2004  
DISTRIBUTED TO: DATE: ulg/ky  
PLANNING COMMISSION (7)  
CITY OF SANTA BARBARA  
SAN HUBBLE SR. PLANNER  
PLANNING DIVISION  
CASE PLANNER, ASST. CITY ATTY.  
PC SECRETARY APPLICANT(S) AGENT

RE: Draft Environmental Impact Report for Veronica Meadows Specific Plan

Dear Ms. Brooke,

Thank you for the opportunity to provide comments regarding the environmental review for the Veronica Meadows Specific Plan. Please find Planning and Development's comments below.

**CIRCULATION**

Planning and Development is concerned that the bridge over Arroyo Burro Creek could impact riparian habitat along the creek, cause creek maintenance problems and erosion, and also cause potential traffic safety hazards on Las Positas Road with construction of a new intersection. In our comment letter on the NOP, P&D recommended that the Draft Environmental Impact Report analyze the potential for extending existing Alan Road as the primary access to the development. The DEIR analyzed this alternative and determined that it would generally meet the project objectives and would avoid significant impacts related to the bridge and new intersection on Las Positas Road including:

- Adverse effect of the bridge over Arroyo Burro Creek on riparian wildlife species due to a gap in riparian vegetation cover (Class I impact);
- The one-way stop controlled intersection at Las Positas Road would cause traffic safety hazards unless certain sight distance and lane striping improvements are implemented (Class II impact).

As stated in the DEIR, this alternative is feasible and would be consistent with the City Circulation Element policies and transportation planning criteria for increasing road connections to improve mobility. However, it was also stated that concerns have consistently been raised by the existing residents on Alan Road, and the City adopted a resolution in 1972 that closed Alan Road to through traffic indefinitely.

However, the DEIR is clear that alternative site access via Alan Road is environmentally superior to constructing the bridge over Arroyo Burro Creek. Considering the sensitive location of the project, and the City Fire Department's determination that only one point of ingress/egress is required for this site for emergency evacuation, P&D recommends that the City select the point of access that is least impacting. Overall, access via Alan Road would provide the best balance between providing residential use on this property and providing the greatest protection of creek resources and surrounding habitat.

**CREEK SETBACK**

When appropriately planned and implemented, buffers from creeks and associated sensitive habitat protect water quality, species and their habitat, as well as erosion. P&D supports a 100-foot buffer between the proposed residences and top-of-bank of the Arroyo Burro Creek, or edge of riparian corridor,

123 East Anapamu Street • Santa Barbara, CA 93101-2058  
Phone: (805) 568-2000 Fax: (805) 568-2030

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EXHIBIT C

**Letter From  
William P. Parkin**

**Letter 9**

Renee Brooke – DEIR Veronica Meadows Specific Plan  
November 5, 2004  
Page 2

between the proposed residences and top-of-bank of the Arroyo Burro Creek, or edge of riparian corridor, whichever is greater. Within this setback, P&D would expect to see heavy native restoration within the lower 50 feet of the buffer, followed by open space and restoration in the upper 50 feet. A pedestrian/bike trail is appropriate at a minimum of 25 feet away from top-of-bank. The proposed project creek setback does not meet these criteria. However, three alternative creek setbacks were evaluated in the DEIR.

Based on the alternatives evaluated, P&D recommends the Council approve a creek setback that dedicates the buffer setback to open space and restoration. That no roads, driveways or other paved surfaces be allowed to encroach in these buffers, as in the proposed project. In addition, P&D recommends that the City consider alternatives that provide greater setbacks near bends in the creek to protect these areas from further erosion. Finally, P&D recommends that the pedestrian/bike trail be pulled further into the buffer to ensure a longer life for the trail and to avoid needing to rebuild the trail in the future due to erosion.

The DEIR recognizes that providing a greater setback, including one that does not allow roads or other paved surfaces within its boundaries, may cause a reduction in the number of lots on the site. In addition, this revised setback would limit possible locations of the Alan Road primary access, recommended by P&D. To accommodate these revisions, proposed lot sizes may need to be reduced and access may need to be reconfigured to allow a more efficient use of the remaining land balanced with resource protection.

**AFFORDABLE HOUSING**

As proposed, all of the units in the project are to be market rate, and it is P&D's understanding that the project is not subject to the recently adopted Inclusionary Housing Program. To help meet the increasing need for affordable housing in this region, however, P&D recommends that at a minimum the City encourage the applicant to voluntarily provide some of the units to the workforce income category, defined as households earning between 120% and 200% of median income, as this income group is currently left out of the market.

In addition, lot size and housing square footage for the proposed homes are on the larger side, ranging from 1800 s.f. to 4500 s.f. In the interest of balancing resource protection with efficient use of land, P&D recommends a reduction for lot sizes and/or unit sizes or exploring different unit types (such as duplexes) so that some of the units may potentially be more "affordable by design." These modifications would also assist the applicant provide lots/units more efficiently if the Council were to adopt a revised larger creek setback/buffer.

When land is annexed to the City the County can lose an opportunity to meet the need for affordable housing. This problem has been addressed with previous annexations. For example, the City and the County split the credit for the affordable units being provided in the Mercy Housing project. This solution helps both jurisdictions meet their affordable housing needs. The Veronica Meadows Specific Plan does not include affordable units. If this property were processed through the County the applicant would likely provide 10% low, 15% lower-moderate or 20% upper-moderate units through the County's existing inclusionary housing program or pay fees which would contribute to the construction of affordable units in another south coast location. Consequently, this annexation will result in a lost opportunity to provide some greatly need affordable housing. P&D is interested in discussing the implications this annexation has on the County's efforts to meet the affordable housing allocation with you further.

**Letter From  
William P. Parkin**

**Letter 9**

Rence Brooke - DEIR Veronica Meadows Specific Plan  
November 5, 2004  
Page 3

Thank you again for involving Planning and Development early and frequently in the review process. We look forward to working cooperatively with City staff and decision-makers on this and other projects. If there is any further information that Planning & Development can supply for this project, please do not hesitate to call Alicia Harrison of my staff at 884-8060.

Sincerely,



LISA PLOWMAN  
Deputy Director  
Comprehensive Planning Division

cc: Chron File  
Paul Casey, Community Development Director, City of Santa Barbara  
Bettie Hennon, Planning Director, City of Santa Barbara

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**001102**

**Letter From  
William P. Parkin**

**Letter 9**

Planning Commission Staff Report  
900-1100 Las Positas Road (MST99-00608)  
August 17, 2006  
Page 8

- Applicant/Homeowner's Association should maintain all of Area C in perpetuity.

**VI. DISCUSSION/ISSUES**

**A. LAND USE AND DENSITY**

Existing policies of the Draft Las Positas Valley and Northside Pre-Annexation Study (completed in 1995, but never adopted) and the City's Land Use Element encourage annexation of parcels within the City's sphere of influence at the earliest convenience. The project site is located within the unincorporated area of the Las Positas Valley, between Arroyo Burro Creek and Campanil Hill. The current City/County jurisdictional boundary runs along the southern property line of the project area. The adjacent City-owned parcel (APN 047-010-009) was recently approved by the City Council for annexation. The site is currently undeveloped, and access is taken from the end of Alan Road. Existing single-family development along Alan Road is located immediately south of the project site, and the Stone Creek Condominiums are located across Arroyo Burro Creek to the north.

The Draft Pre-Annexation Study designated the flatter portions of this unincorporated area for single-family residential development with a density of five dwelling units per acre, and the steeper areas for Major Hillside and Open Space uses. The zoning designation envisioned for this area in the Draft Pre-Annexation Study was E-3, One-Family Residence (7,500 square-foot minimum lot size) and 20-A-1, One-Family Residence (20-acre minimum lot size). The existing development along Alan Road is in the City and is designated E-3. The Stone Creek Condominium development, which is under County jurisdiction, is designated DR-10 (Design Residential, 10 dwelling units/acre).

The proposed residential development is consistent with the General Plan land use designations of surrounding neighborhoods, which range from one to five dwelling units per acre and the uses envisioned for this area in the Draft Pre-Annexation Study.

**Existing and Proposed Development Potential**

The 50-acre Specific Plan area involves four privately-owned parcels; approximately 14.8 acres of that land is proposed for residential development. As shown in the tables above, the majority of the area proposed for development is currently designated for single-family residential development with a minimum lot size of 8,000 square feet. Staff is proposing a General Plan designation of Residential, 2 units per acre for the 14.8-acre area and zoning that would permit up to 15 dwelling units (density of approximately 1.01 dwelling units per acre of gross lot area).

The remaining 35.71-acre property (APN 047-010-011), which has an existing designation of one dwelling unit per 20 acres, would be dedicated open space as part of the project, with a General Plan designation of Major Hillside/Open Space and Specific Plan zoning that does not allow for any residential development.

Thus, the current County designations allow for more development on the site than what is proposed. However, given on-site constraints, the actual development that might be approved

**EXHIBIT**

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**Letter From  
William P. Parkin**

**Letter 9**

Planning Commission Staff Report  
900-1100 Las Positas Road (MST99-00608)  
August 17, 2006  
Page 9

by the County could be significantly less than the maximum density allowed under the zoning, as determined by the County decision-makers.

**B. PROPOSED SPECIFIC PLAN**

Government Code Article 8 allows the preparation of a specific plan for any area covered by the City's General Plan in order to establish systematic methods for implementing the General Plan. The Government Code also states that a specific plan must include standards under which development may proceed, implementation measures, and infrastructure needed to support the land uses described in the plan. The primary effect of a specific plan is the establishment of a detailed plan for development of a specific area of the City. Conventional zoning standards are replaced with detailed development standards that best meet the needs of the area within the specific plan boundaries. As a result, any development within the specific plan area must be consistent with the adopted specific plan.

The Specific Plan proposed for the 50-acre site would replace the existing County Zoning designations of 8-R-1 and RR-20, and provide customized allowable land uses and specify development standards for the residential development, including building heights, setbacks, review procedures, etc (Exhibit A). The Specific Plan area would include five separate areas (Areas A North, A South, B, C and D) as follows (an Area Map is included in Exhibit A):

- Areas A North and South would encompass the 14.81-acre area comprised of the existing 10.28-acre property (APN 047-010-016), the 0.04-acre property (APN 047-061-026), and the 4.49-acre portion of APN 047-010-053. This area would be designated for residential development.
- Area B would include the area located between 50 and 100 feet west of the western Top of Bank, and would be designated as the Limited Activity Zone.
- Area C would include the area between the restored (new) eastern top of bank and 50 feet west of the western Top of Bank, and would be designated as the Creek Corridor.
- Area D would encompass the 35.77-acre parcel (APN 047-010-011) and would be designated for open space use.

Proposed SP-9 provides a list of permitted uses and design and development standards that are consistent with the use of the area for single family residential development, in accordance with the General Plan and LCP, and respecting the environmental amenities and constraints of the area. The Specific Plan addresses the future build-out of the SP-9 Zone, striving to promote development that protects the natural environment. The Specific Plan provides a maximum residential density of 15 dwelling units, and review of future development by the ABR to ensure compatibility with the Alan Road neighborhood.

Some of the issues addressed in the Specific Plan include:

**1. ACCESS FROM ALAN ROAD**

The proposed Specific Plan requires all vehicular access to the site to come from Alan Road. This revision to the previous proposal came at the direction of the City Council.

000424

**Letter From  
William P. Parkin**

**Letter 9**

State of California  
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

**M e m o r a n d u m**

**To: CHAIR AND COMMISSIONERS**

**CTC Meeting: May 25-26, 2005**

**Reference No.: 2.1a.(23)  
Action Item**

**From: CINDY McKIM**  
Chief Financial Officer

**Prepared by: Ross A. Chittenden**  
Division Chief  
Transportation Programming

**Ref: STIP AMENDMENT 04S-048**

The City of Santa Barbara, the City of Goleta and the Santa Barbara County Association of Governments (SBCAG) are requesting the California Transportation Commission (Commission) approve this State Transportation Improvement Program (STIP) amendment. This amendment was noticed at the April 2005 Commission meeting. This Action Item is proposed for the consent calendar at the May 2005 Commission meeting.

The City of Santa Barbara proposes to reprogram \$160,000 of Regional Improvement Program (RIP) funds in Environmental (PA&ED) and Design (PS&E) from FY 2005-06 to FY 2006-07 and reprogram \$590,000 of RIP Construction (CON) from FY 2006-07 to FY 2007-08 on the Las Positas Road project (PPNO 0820). SBCAG concurs with this request.

In addition, the City of Goleta proposes to reprogram \$200,000 of RIP PA&ED in FY 2005-06 on the San Jose Creek Class I Bikeway (Environmental) project (PPNO 1204) to PS&E in FY 2006-07 and modify the project title and description. The City of Goleta also proposes to reprogram \$4,561,000 of RIP funds from FY 2005-06 to FY 2006-07 on the Fowler Road and Ekwill Street Extension project (PPNO 4611). SBCAG concurs with this request.

**RECOMMENDATION**

The Department of Transportation (Department) recommends approval.

EXHIBIT

E

## Letter From William P. Parkin

### Letter 9

CHAIR AND COMMISSIONERS

Reference No.: 2.1a.(23)  
May 25-26, 2005  
Page 2 of 7

#### **BACKGROUND**

##### **City of Santa Barbara (the City)**

The Las Positas Road project (PPNO 0820) will improve the intersection at Las Positas Road and Cliff Drive on Route 225. The project is programmed with \$75,000 for PA&ED and \$85,000 for PS&E in FY 2005-06, and \$590,000 for CON in FY 2006-07, for a total of \$750,000 of RIP funding. The City has initiated the annexation of the Las Positas project area from the County of Santa Barbara and potential relinquishment of Route 225 from the Department. These processes have delayed the project development of the Las Positas project. The City proposes to reprogram PA&ED and PS&E from FY 2005-06 to FY 2006-07 and reprogram CON from FY 2006-07 to FY 2007-08.

##### **City of Goleta**

The San Jose Creek Class I Bikeway (Environmental) project (PPNO 1204) is for an environmental study to construct a Class I and Class II bikeway near San Jose Creek. The project is programmed with \$200,000 in RIP for PA&ED in FY 2005-06. The City of Goleta was able to obtain local funds for the environmental phase of the project and proposes to reprogram the \$200,000 of FY 2005-06 PA&ED to PS&E in FY 2006-07 for a Class I bike facility.

The Fowler Road and Ekwill Street Extension project (PPNO 4611) will construct new east-west roadways and extend Fowler Road and Ekwill Street from Fairview Avenue to Kellogg Avenue at Route 217. The project is programmed with RIP funds totaling \$15,933,000 as follows: \$980,000 in FY 2005-06 for PS&E; \$3,581,000 in FY 2005-06 for Right of Way (R/W); and \$11,372,000 in FY 2007-08 for CON. At the March 2005 Commission meeting, a time extension to complete PA&ED was approved for 15 months. The Supplemental Project Study Report must be completed prior to beginning design and R/W acquisition. The City of Goleta proposes to reprogram \$980,000 of PS&E and \$3,581,000 of R/W from FY 2005-06 to FY 2006-07.



**Letter From  
William P. Parkin**

**Letter 9**

**CHAIR AND COMMISSIONERS**

Reference No.: 2.1a.(23)  
May 25-26, 2005  
Page 3 of 7

**RESOLUTION**

Resolved, that the California Transportation Commission revise the 2004 State Transportation Improvement Program at the end of the 30-day notice period as follows:

**Revises:**

County	District	PPNO	EA	Element	Const. Year	PM Back	PM Ahead	Route/Corridor					
Santa Barbara	5	0820	0G8200	CO	2007-08	1,7	--	225					
Implementing Agency: (by component)		PA&ED	City of Santa Barbara			PS&E	City of Santa Barbara						
		R/W	City of Santa Barbara			CON	City of Santa Barbara						
RTPA/CTC: Santa Barbara County Association of Governments (SBCAG)													
Project Title: Las Positas Road/Cliff Drive Intersection Improvements													
Location: In Santa Barbara - On Route 225 at the intersection of Las Positas & Cliff Drive													
Description: Improve the intersection													
(DOLLARS IN THOUSANDS)													
FUND	TOTAL	Project Totals by Fiscal Year						Project Totals by Component					
		Prior	04/05	05/06	06/07	07/08	08/09	R/W	CON	PA&ED	PS&E	R/W Supp	CON Supp
Existing	750			160	590	0			590	75	85		
Change	0			(160)	160	0			0	0	0		
Change	0			0	(590)	590			0	0	0		
Proposed	750			0	160	590			590	75	85		
Existing	750			160	590	0			590	75	85		
Change	0			(160)	(430)	590			0	0	0		
Proposed	750			0	160	590			590	75	85		

**And Revises:**

County	District	PPNO	EA	Element	Const. Year	PM Back	PM Ahead	Route/Corridor					
Santa Barbara	5	1204	--	LA	--	--	--	--					
Implementing Agency: (by component)	PA&ED R/W	City of Goleta				PS&E CON	City of Goleta						
RTPA/CTC:	Santa Barbara County Association of Governments (SBCAG)												
Project Title:	San Jose Creek Class I Bikeway (Environmental)-Bike Path - South Segment												
Location:	In Goleta from Hollister and Kellogg Avenue intersection to the Atascadero Creek Bike path												
Description:	Environmental study to Construct Class I and Class 2 Bikeway Construct Class I bike path												
(DOLLARS IN THOUSANDS)													
FUND	TOTAL	Project Totals by Fiscal Year						Project Totals by Component					
		Prior	04/05	05/06	06/07	07/08	08/09	R/W	CON	PA&ED	PS&E	R/W Supp	CON Supp
Existing	200			200	0					200	0		
Change	0			(200)	200					(200)	200		
Proposed	200			0	200					0	200		
Existing	0		0							0			
Change	235		235							235			
Proposed	235		235							235			
Existing	200		0	200	0					200	0		
Change	235		235	(200)	200					35	200		
Proposed	435		235	0	200					235	200		

**Letter From  
William P. Parkin**

**Letter 9**

CHAIR AND COMMISSIONERS

Reference No.: 2.1a.(23)  
May 25-26, 2005  
Page 4 of 7

**And Revises:**

County	District	PFNO	EA	Element	Const. Year	PM Back	PM Ahead	Route/Corridor					
Santa Barbara	5	4611	4611U0	CO	2007-08	1.5	2	217					
Implementing Agency: (by component)	PA&ED R/W	City of Goleta City of Goleta				PS&E CON	City of Goleta City of Goleta						
RTPA/CTC:	Santa Barbara County Association of Governments (SBCAG)												
Project Title:	Fowler Road and Ekwill Street Extension												
Location	In Goleta - Fowler Road and Ekwill Street from Fairview Avenue on the west to Kellogg Avenue												
Description:	Construct new east-west roadway and extend Fowler Road and Ekwill Street												
(DOLLARS IN THOUSANDS)													
FUND	TOTAL	Project Totals by Fiscal Year						Project Totals by Component					
		Prior	04/05	05/06	06/07	07/08	08/09	R/W	CON	PA&ED	PS&E	R/W Supp	CON Supp
Existing	17,955	2,022		4,561	0	11,372		3,581	11,372	2,022	980		
Change	0	0		(4,561)	4,561	0		0	0	0	0		
Proposed	17,955	2,022		0	4,561	11,372		3,581	11,372	2,022	980		
Existing	17,955	2,022		4,561	0	11,372		3,581	11,372	2,022	980		
Change	0	0		(4,561)	4,561	0		0	0	0	0		
Proposed	17,955	2,022		0	4,561	11,372		3,581	11,372	2,022	980		

**Letter From  
William P. Parkin**

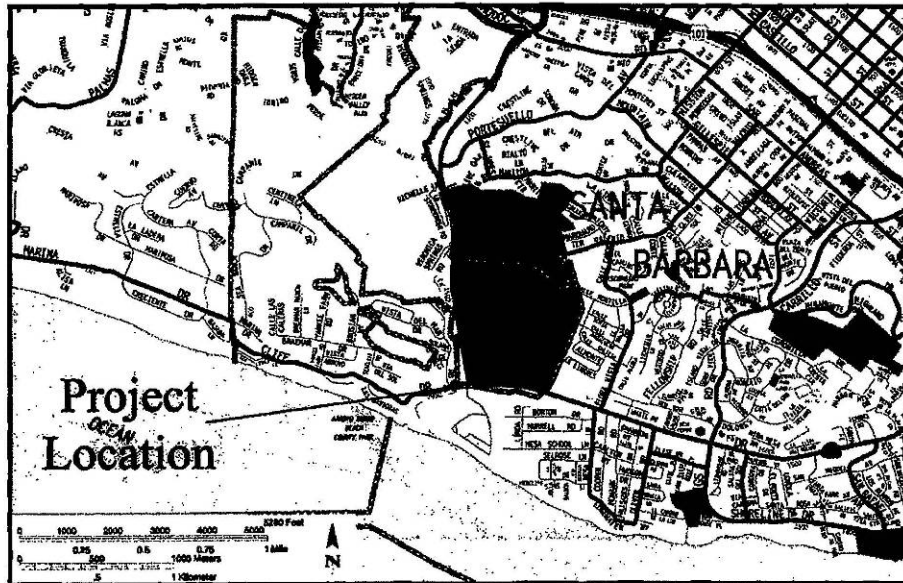
**Letter 9**

CHAIR AND COMMISSIONERS

Reference No.: 2.1a.(23)  
May 25-26, 2005  
Page 5 of 7

**STIP AMENDMENT 04S-048**

Location Map



05 – Santa Barbara  
PPNO 0820

**Location:** In Santa Barbara, Route 225 at the intersection of Las Positas & Cliff Drive.

**Description:** Intersection improvements.



Letter From  
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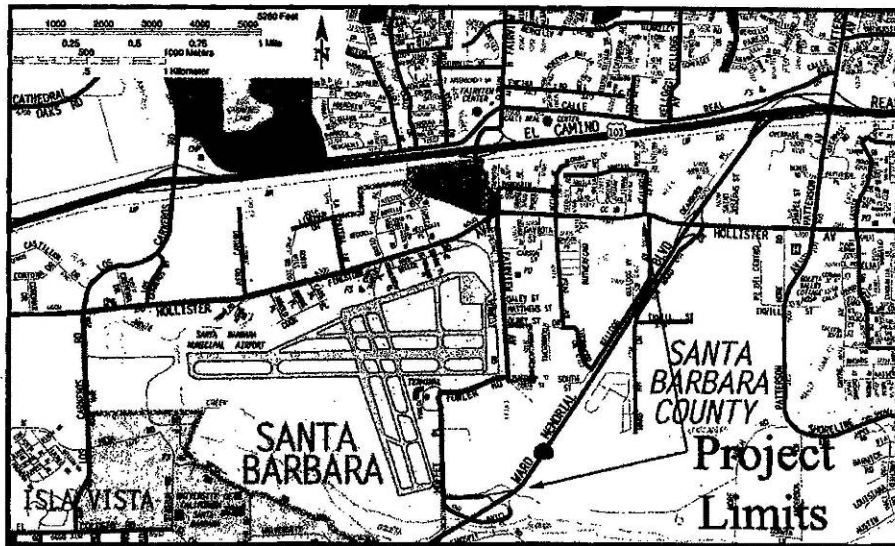
Letter 9

CHAIR AND COMMISSIONERS

Reference No.: 2.1a.(23)  
May 25-26, 2005  
Page 6 of 7

STIP AMENDMENT 04S-048

Location Map



05 - Santa Barbara  
PPNO 1204

Location: In Goleta from Hollister and Kellog Avenue intersection along San Jose Creek from Hollister Avenue to the Atascadero Creek Bike path.

Description: Construct Class I bike path.



**Letter From  
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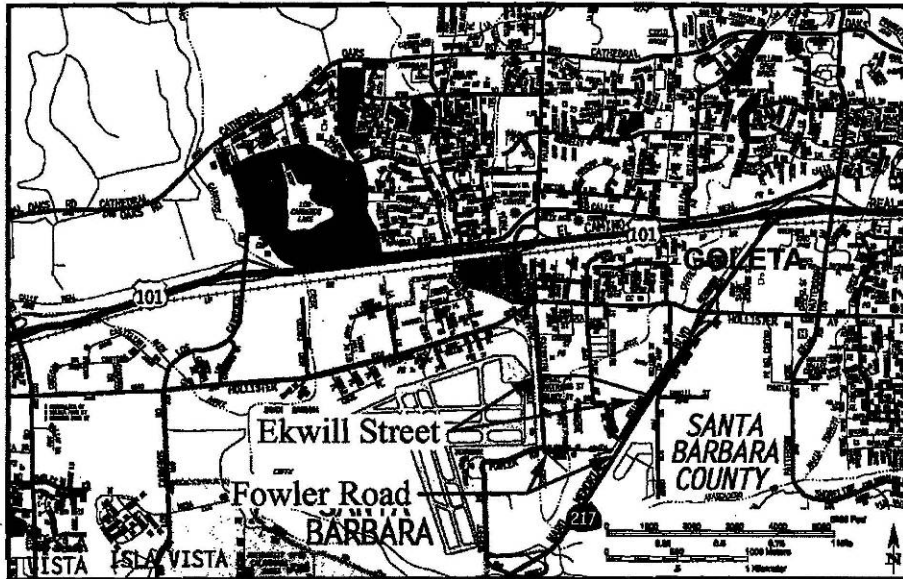
**Letter 9**

CHAIR AND COMMISSIONERS

Reference No.: 2.1a.(23)  
May 25-26, 2005  
Page 7 of 7

**STIP AMENDMENT 04S-048**

Location Map



05 – Santa Barbara  
PPNO 4611

**Location:** In Goleta, Fowler Road and Ekwill Street from Fairview Avenue on the west to Kellogg Avenue.

**Description:** Construct new east-west roadways and extend Fowler Road and Ekwill Street.



**Letter From  
William P. Parkin**

**Letter 9**

<b>Table 1 2006 STIP Augmentation RIP Programming Approved by the CTC</b>				
<b>Agency</b>	<b>Route</b>	<b>PPNO</b>	<b>Project \ Scope</b>	<b>New RIP \$</b>
Caltrans	101	478	Milpas\Cabrillo-Hot Springs Project. Highway widening & operational improvements in downtown Santa Barbara	\$7,900,000 (FY 06/07)
Closes a \$7.9 million construction shortfall on the STIP and Measure D funded project. Project will be ready to list in September 2007; Construction to begin Spring 2008.				
Caltrans	101	7101 (New)	Carpinteria Creek Bridge to Sycamore Creek Bridge (Santa Barbara) Widen from 4 to 6 lanes	\$9,450,000 (FY 07/08)
Preliminary engineering and environmental analysis to widen from 4 to 6 lanes and eliminate the 10 mile 4 lane gap that will remain between the north limits of the Ventura\Santa Barbara CMIA project and PPNO 478 in downtown Santa Barbara.				
Caltrans	101	4459	Santa Maria River Bridge Widening Widen from 4 to 6 lanes	\$386,000 (FY 06/07, 07/08)
This is SBCAG's share of the PS&E shortfall and ROW costs for the project at a 60\20\20 ratio (Caltrans-SLOCOG-SBCAG)				
Caltrans	101	482	Linden Avenue\Casitas Pass Road Interchange Project -- Phase I.	\$29,224,000 (FY 10/11)
These surface street bridge structures over Highway 101 in Carpinteria are the first obstacles that a 6 lane widening heading north from Ventura would encounter. The CMIA project extends northward from the La Conchita area in Ventura County and stops short of Casitas Pass Road for this reason. The bridges will be lengthened to allow a 6 lane highway cross section underneath to be built to Caltrans' standards. The vertical clearance for both bridges will be increased. The bridge decks will also be widened from 2 to 4/5 lanes to reduce peak hour surface street congestion at ramp intersections. A missing link in the Via Real frontage road will also be constructed to reduce local traffic using 101 because there isn't a complete frontage road on the mountain side of 101. This funding is added to the \$12.872 million already programmed for construction to fund phase I, consisting of the Casitas Pass Road Interchange and Via Real frontage Road. Caltrans has estimated Phase I construction at \$39.7 million (in FY 2007 \$).				
Caltrans	101	1840	Ellwood Overhead UPRR Bridge Replacement @ Highway 101	\$60,000 (FY 06/07)
This is a currently programmed STIP project that will reconstruct the Ellwood UPRR bridge and Cathedral Oaks\Hollister Avenue bridge over Highway 101 to eliminate seismic deficiencies and align the bridges at a 90 degree angle with Highway 101. The Ellwood bridge is owned by the city of Goleta, but Caltrans is the lead agency for both bridges. Caltrans requested that \$60,000 in funding be programmed to right of way support to allow them to negotiate with UPRR over right of way needs for the project. Because these negotiations are on the critical path, funding was programmed in the augmentation and could not wait until the 2008 STIP cycle.				
Caltrans	101	4607	Carrillo Street Northbound On-ramp	\$1,297,000
Supplemental funding for a previously programmed STIP project to reconstruct the NB on-ramp and install a ramp meter. This will correct a Congestion Management Program deficiency.				
SBCAG			Unprogrammed Balance	(-\$889,000)
A negative balance indicates that SBCAG was allowed to exceed its programming target of \$47,428,000 by \$889,000. This is effectively an advance of funding; \$889,000 will be taken "off the top" of the new capacity available to SBCAG in the 2008 STIP cycle.				
<b>TOTAL</b>				<b>\$48,317,000</b>

2006 STIP Augmentation

1

**Letter From  
William P. Parkin**

**Letter 9**

<b>Table 2A 2006 STIP Augmentation IIP Programming Requests by SBCAG Approved by the CTC (from Caltrans' Share of the STIP)</b>				
<b>Agency</b>	<b>Route</b>	<b>PPNO</b>	<b>Project</b>	<b>IIP Funding Approved</b>
Caltrans	101	3918 (New)	Mussel Shoals to Casitas Pass Road Widen 4 to 6 lanes	\$19,870,000
This is support cost funding to match \$131.5 million in construction funding from the CMA program in FY 10/11. Programming of this funding was promised to SBCAG and VCTC by the CTC on February 28 when CMA funding was adopted. \$4.4 mil environmental analysis/preliminary engineering (FY 07/08), \$14.8 million design (FY 08/09) and \$670k ROW (09-10).				
Caltrans	101	4459	Highway 101 Santa Maria River Bridge Widening	\$1,300,000
This is Caltrans' 60% share of the shortfall for PS&E, right of way support and ROW capital to match the STIP funds programmed through the augmentation by SLOCOS and SBCAG.				

<b>Table 2B Other 2006 STIP Augmentation IIP Programming Approved by the CTC (from Caltrans' Share of the STIP)</b>				
<b>Agency</b>	<b>Route</b>	<b>PPNO</b>	<b>Project</b>	<b>IIP Funding Approved</b>
Caltrans	Rail	2087 (New)	Siding Upgrade and Extension, Santa Barbara County	\$11,450,000
Create new sections of double track based on modeling results, engineering feasibility and environmental constraints along the Pacific Surfliner Route. \$1.0 mil. for environmental analysis (FY 08/09), \$1.0 mil. for design (09/10), and \$9.45 mil. for construction (FY 10/11).				
Caltrans	Rail	2089 (New)	Sidings in Santa Barbara and Ventura Counties	\$6,870,000
\$2.0 mil. for environmental studies (FY 08/09) and \$4.87 mil. for design (FY 09/10) for siding projects between Moorpark and Santa Barbara.				

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**Letter 9**

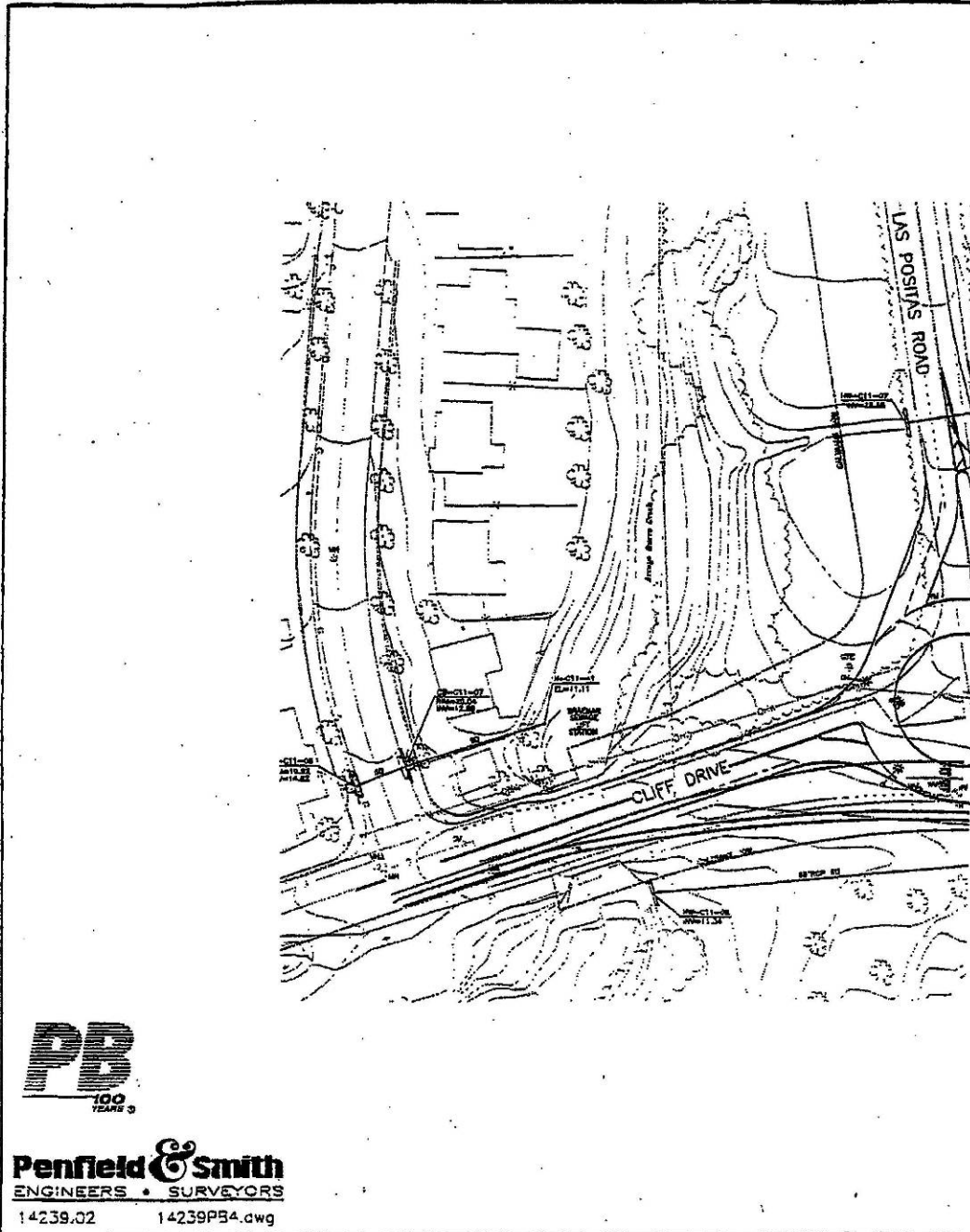
**Table 3  
2006 STIP Augmentation  
Amendments Approved to Currently Programmed Projects**

Agency	Route	PPNO	Project	Amendment
Caltrans	101	4638	<b>Union Valley Parkway Interchange</b>  Feds have required interchange project and a city of Santa Maria project on Union Valley Parkway to be studied in the same NEPA document. Section 7 consultation for city's part of project delaying Caltrans' interchange project.	Delay construction and construction support funding from FY 7/08 to FY 10/11.
Caltrans	101	1840	<b>Ellwood Overhead Bridge</b>  This is the Goleta-owned bridge that is part of the HBRRTIP project to reconstruct and realign the Caltrans-owned bridge over Hwy 101 and the Goleta-owned bridge over UPRR in west Goleta. ROW issues with UPRR taking longer than anticipated.	Delay construction and construction support funding from FY 07/08 to FY 08/09.
Santa Barbara (city)	loc	820	<b>Las Positas/Clim Drive Intersection Improvements</b>  PAIED and PS&E to be funded from developer mitigation fees from city.	Reprogram PAIED and PS&E in FY 07/08 and 08/09, to construction phase in 09/10.
Goleta	loc	4611	<b>Fowler and Ekwill Street Extensions</b>  Traffic studies for roundabouts near Rt. 217 requiring Caltrans OK and are taking longer than expected. Environmental consultant project leader passed away; delay in replacing and re-training new project team leader.	Delay PS&E and ROW from FY 07/08 to FY 08/09 and construction from FY 08/09 to FY 09/10.
Goleta	TE	1204	<b>San Jose Creek Bike Path South Segment</b>  Permitting issues with utility and flood control agency causing delays.	Delay PS&E funding from FY 07/08 to FY 08/09.



Letter From  
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Letter 9



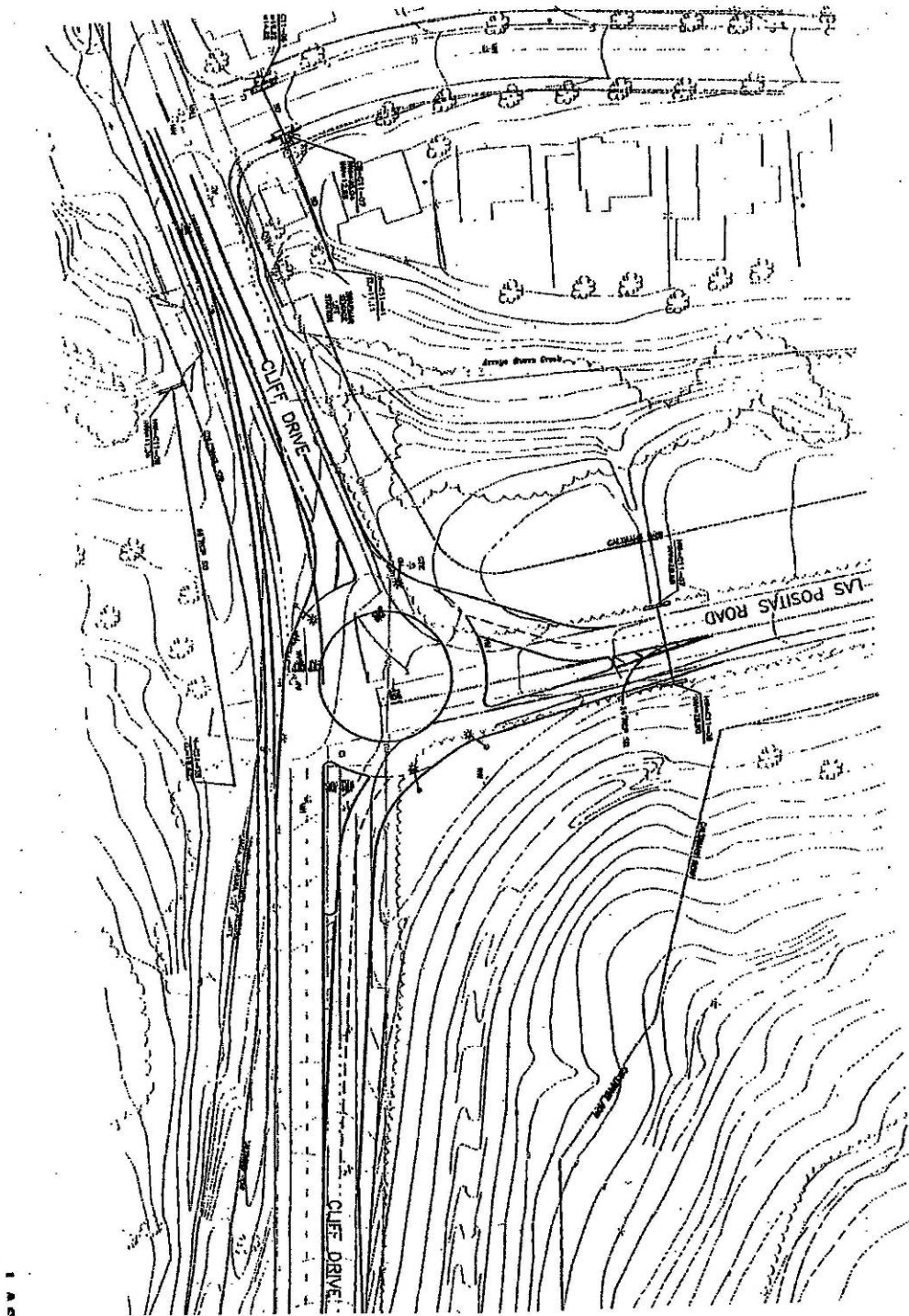
**Letter From  
William P. Parkin**

**Letter 9**



**Letter From  
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**Letter 9**



## Letter From Naomi Kovacs

### Letter 10



CITIZENS PLANNING ASSOCIATION OF SANTA BARBARA COUNTY, INC.  
916 Anacapa Street, Santa Barbara, CA 93101  
phone (805) 966-3979 • toll free (877) 966-3979 • fax (805) 966-3970  
www.citizensplanning.org • info@citizensplanning.org

28 April 2008

Allison DeBusk, Planner  
& Chair Myers & Planning Commissioners  
City of Santa Barbara, CA

Sent via email to: Allison DeBusk <adebusk@santabarbaraca.gov>  
Planning Commission Secretary <PCSecretary@santabarbaraca.gov>

**RE: Comments on Veronica Meadows Draft Revised EIR Supplement**

Dear Ms. DeBusk & Planning Commissioners,

The Citizens Planning Association (CPA) is a 48-year old local, community-based, member-supported nonprofit concerned with sound land-use planning and environmental protection in our county. We appreciate the opportunity to comment once again on this project, this time on the adequacy and contents of the Revised DEIR.

10-1

**GENERAL COMMENTS:**

**Numerous and Conflicting References to Infeasibility:** The draft report makes numerous references to alternatives being infeasible, potentially infeasible, questionably feasible or possibly infeasible (within summary and the body of the report) on social, neighborhood compatibility or economic grounds without providing a reasoned analysis to support such conclusions. In several areas, conflicting statements are made sometimes suggesting that economic feasibility or infeasibility is beyond the scope of the report and in other areas citing economic grounds.

10-2

**Understatement of Cumulative Traffic Impacts:** The passage of time and a better understanding of the full potential for cumulative growth within and adjacent to the City has resulted in an exacerbation of future cumulative traffic conditions which is not reflected in the environmental documentation for the project. Some projects on the cumulative list (e.g., Elings Park Expansion) have gotten bigger than originally proposed, and the recently released Development Trends Report reflects significantly greater build-out potential in Outer State Street area. This information coupled with background traffic growth along the US 101 Corridor result in an understatement of the capacity constraints present at the Las Positas/Modoc, Las Positas/U.S. 101 and Las Positas/Calle Real intersections and interchanges. These factors are not reflected in the current Draft Revised EIR yet worsen the implications of approving a project which is even larger than the previously assessed project. At the very least, cumulative traffic impact assessment needs to be integrated into the alternatives section so that the relative and

10-3

CPA re: Veronica Meadows DREIR, 4/28/08  
Page 1 of 6

## Letter From Naomi Kovacs

### Letter 10

absolute contribution of each alternative to projected over-capacity intersections is articulated and evaluated.	10-3 (cont.)
<b>Need for Assessment of Charter Section 1507 Conformance within the EIR and its Alternatives Section:</b> The Draft EIR and Responses to Comments/Document Revisions do not address the issue of consistency or conformity with Charter Section 1507, which relates to the requirement that a “living within our resources” finding is required for all rezonings, annexations and General Plan Amendments.	10-4
<b>Inaccurate, incomplete or misguided description of alternatives:</b> Several of the alternatives subjected to evaluation in the report are either deemed not feasible, or are un-approvable or non-responsive to CEQA’s mandated purpose of evaluating alternatives that can substantially lessen or avoid significant impacts, in the case of this project, cumulative traffic impacts and bridge-induced biological impacts. The Revised EIR is glaring in its failure to address cumulative traffic impacts with a “Reduced Density” alternative. In our previous comments on the Draft EIR, we specifically requested a Reduced Density alternative. The Revised EIR must include a Reduced Density Alternative to comply with CEQA’s mandates.	10-5
<b>Inconsistent analysis of the ability of the Proposed Project and each alternative to mitigate Unavoidable Traffic Impacts:</b> Because the CEQA Guidelines expressly require that the assessment of alternatives focus on substantially lessening or avoiding significant impact, the analysis in the draft report needs to evaluate the degree to which each alternative reduces or eliminates each of the project’s Class I impacts, specifically cumulative traffic as well as biological impacts. This is not done with any consistency within the report.	10-6
<b>Selective use of feasibility/infeasibility assessment to support or reject applicant-preferred alternatives:</b> This Alternatives section is internally inconsistent in its application of any assessment of “preliminary” feasibility. In certain cases, it relies on conclusions regarding economic feasibility when such statements benefits the proposed project, but dismisses the use of economic infeasibility does not reinforce the report’s bias toward the proposed project. The report employs a possible new standard of feasibility assessment by citing neighborhood opposition as a basis for infeasibility. Finally, it indulges the reader not to apply feasibility assessment within the report and points to the opportunity to employ additional analytical resources at the time when the Planning Commission and City Council review and act upon the project. Yet this suggestion is in direct conflict with the direction that City staff provides in the decision making arena when Planning Commissioners request economic information upon which to base their decision. All non-quantitative speculation regarding a project’s or an alternative’s feasibility should be removed from the report and replaced with reliable, reasoned analysis, as required by CEQA.	10-7
<b>The Ignored Alternative Capable of Meeting CEQA’s Objectives for Reducing and Eliminating Unavoidable Impacts:</b> The Revised EIR continues to be legally deficient because it does not identify a realistic alternative that eliminates or substantially lessens both Class I unavoidable environmental impacts – Cumulative Traffic and Bridge-induced Biological Impacts. In our previous comments on the Draft EIR we made the following comment, which has largely been ignored in this analysis:	10-8

CPA re: Veronica Meadows DREIR, 4/28/08  
Page 2 of 6

## Letter From Naomi Kovacs

### Letter 10

“20. **THE MISSING ALTERNATIVE:** The Alternatives section is noticeably lacking the specification of a meaningful, demonstrably feasible lower-density alternative which simultaneously reduces significant avoidable and unavoidable impacts related to project [trip] generation, habitat impacts, noise impacts, visual impacts and Coastal Plan and General Plan inconsistencies. Such an alternative should be included and should have the following attributes:

- a. Consistency with the General Plan through avoidance of development and/or grading on slopes of greater than 30%. (This responds to the stated project objective of being consistent with the Local Coastal Plan and General Plan).
- b. Location of residences away from site constraints including landslides. (This responds to the stated project objective of respecting and accommodating site constraints).
- c. Reduction in density to mitigate the project’s contribution to cumulative and neighborhood traffic impacts. (This responds to the stated objective of providing adequate public safety services and facilities, and improving public access - most notably minimizing traffic congestion along Las Positas).
- d. Access via Alan Road only so as to avoid the need, impacts and cost of bridging Arroyo Burro Creek. (This responds to the objective to implement a creek corridor restoration plan and the unavoidable habitat impacts).
- e. Provide increased creek setbacks so as to preclude the need to buttress and protect public roads and access-ways that may be threatened by long-term bank erosion along this segment of the creek.
- f. Assess project feasibility in a quantitative manner to provide the factual basis for findings and overriding considerations if needed.

Without a discussion of a reduced scale, alternative design/layout option, the DEIR does not serve its intended function as a tool to allow the general public and decision makers to take into account the true environmental impacts, mitigations and trade-offs associated with this project.”

We reiterate this request that such a reduced density alternative be evaluated within the context of the environmental documentation and analysis. We do not believe that the 15 unit alternative previously considered and rejected by the City Council is of a sufficiently smaller scale to effectively reduce the projects unavoidable impacts on area intersections, particularly in light of anticipated build out identified by the Development Trends Report. Moreover, the dismissal of this alternative within the current environmental documentation is without basis. A reduced-scale alternative capable of eliminating or substantially reducing both Class I impacts must be evaluated in the EIR along with its feasibility.

10-8 (cont.)

# Letter From Naomi Kovacs

## Letter 10

### SPECIFIC COMMENTS:

**Page ES-6, Contradictory Statements Regarding Feasibility:** The document states that the Alan Road access alternative is questionably feasible from a social and neighborhood compatibility perspective, however, this statement contradicts with other statements made in the body of the report, i.e., p. 4-2 where the document states that the EIR does not make any final determination of feasibility of alternatives, particularly with respect to economic, social or housing factors.

10-9

**Omission of the Project Description from the Draft Report:** The draft report does not provide a detailed description of the project.

10-10

**Alternatives Section p 4-2:** This section lists out what it refers to as project objectives, for use in evaluating alternatives. Yet many of the objectives listed are not “basic objectives” as called out in the CEQA guidelines, but rather incidental effects or preferences. One of the stated objectives is actually a criteria for annexation, not an objective.

10-11

**Alternatives Section p. 4-2:** The document states that the applicant has elected to utilize the Specific Plan process to allow for flexibility in achieving the various project objectives. In actuality, the choice of this approach to development of the project results in a higher allowable density than would otherwise be allowed without this particular Specific Plan approach. This document should detail the degree to which the various approaches envisioned by the Specific Plan and its application of a PUD approach facilitate additional density that would otherwise not be permitted. This applies to the inclusion of Parcel No. 047-010-011 which under county zoning could not be developed, but under the Specific Plan/PUD approach facilitates greater density on developed portions of the property. The Revised EIR fails to state the true reason for including Parcel 047-010-011.

10-12

**Alternatives Section Page 4-6, Traffic & Circulation Discussion:** The report evaluates the traffic and circulation impacts of the No Project Alternative as if a residential development were being proposed. This is not accurate. The discussion should be corrected to state that the No Project Alternative would not worsen existing and projected traffic capacity and intersection performance issues.

10-13

**Page 4-7, Assumptions regarding the Description of the No Annexation Alternative:** Given the recent revelation of potential build-out associated with the Development Trends Report, and the potential for the City to exceed its resources through development of existing parcels within the city, it is critical to review this alternative in the context that annexations to the City will further compromise the City’s potential to live within its resources. Simply put, a finding of consistency with Charter 1507 cannot be made for annexations in light of the Development Trends Report. This subsection of the report makes several false assumptions that lead to the characterization of this alternative as being considerably greater in size than is warranted. First, the report assumes that the City would grant the applicant an easement to utilize City-owned land to construct a bridge over the creek. The assumption that the City has no control over this request prejudices this alternative to be of a greater scale than is realistic, practical or feasible. (In actuality the granting of the easement violates deed restrictions on the property and the City

10-14



## Letter From Naomi Kovacs

### Letter 10

Charter). Second, the assumption is made that the City would serve the development with public services such as water supply and sewage treatment. Again, the Development Trends Report indicates a level of city development build-out that brings into question whether the City could in fact serve this development without denying service to parcels already within its boundaries, should water supply, sewage treatment capacity or intersection capacity become limited resources over the coming months and years. Finally, the description of this alternative alludes to several possible dwelling unit counts but does not specify which one would be used for the analysis. The subsection does speculate that the number of units would be greater than the proposed project. However, like the pre-annexation alternative, the overall unit count would be larger than the project thereby frustrating the CEQA charge that alternatives lessen or avoid significant impacts. For these reasons, the “No Annexation” alternative needs to be characterized as a lower density project with access from Alan Road.

10-15

**Page 4-13, Consideration of a Draft Pre-Annexation Zoning Designation Alternative:** It is unclear why the City has included this 24-30-unit concept in the discussion of Alternatives, particularly considering the language in the CEQA Guidelines that directs Lead Agencies to evaluate alternatives that avoid or substantially lessen any of the significant effects of the project, in this case cumulative traffic impacts and bridge-related biological impacts. This alternative reduces neither.

10-16

Taken together, these two no-annexation alternatives represent “fake” alternatives which do not achieve the basic objectives of CEQA and therefore bootstrap the proposed project into a more positive light than it objectively deserves.

**P. 4-17, Emergency Access and Sidewalk Alternatives:** It is not clear why these two alternatives are within the Alternatives section, except to possibly bolster the perception that the section is a comprehensive one, when in fact it is not. They do not directly address the core principle of crafting alternatives – that of reducing or eliminating significant unavoidable impacts.

10-17

**P.4-18, Avoid Landslides Alternative:** The discussion of this alternative’s potential feasibility and ability to attain the project’s basic objectives is highly speculative. In this subsection, the report states that the reduction of units could make the project economically infeasible, yet no reasoning is provided to support this claim. This unsubstantiated conclusion is then used to support a finding that the project would be precluded from achieving its basic objectives if a reasonable return on investment cannot be made. What is a reasonable rate of return for this type of investment? How is that determined? Do we have the economic pro-forma to support such a claim? If not, it cannot and should not be allowed to remain in the report unsubstantiated.

10-18

**P. 4-29, Current 2008 Project Design Alternative:** This alternative results in an increase in density from 24 units to 25 units. This increase in density results in a marginal increase in project-related and cumulative traffic impacts, the latter of which is significant and unavoidable. In that the CEQA Guidelines direct the Alternatives section of the report to identify alternatives which would avoid or substantially lessen significant impacts of the project, this alternative does the exact opposite of that goal – it increases traffic impacts, rather than decreasing them.

10-19



**Letter From  
Naomi Kovacs**

**Letter 10**

**CONCLUSION**

The Draft Revised EIR for this project fails to disclose ALL potentially significant impacts to the environment, AND to discuss a broad, practical range of mitigations, offsets, alternatives to reduce or eliminate those impacts. It also attempts to skew an important alternative, the Alan Road Access Alternative, that would clearly resolve the serious environmental consequences of constructing a bridge on City-owned land. This document is disappointing and falls short, precluding its ability to allow the public and their elected officials a sufficient degree of analysis and information to intelligently take into account the environmental consequences of the proposed project.

10-20

We appreciate your serious consideration of these concerns and we thank you in advance for taking measures to address these concerns.

Sincerely,



Naomi Kovacs  
Executive Director

CC: Urban Creeks Council

# Letter From Wendy Dishman

## Letter II

Wendy Dishman  
1227 Stonecreek Rd #H  
Santa Barbara, CA 93105  
[wdishman@silcom.com](mailto:wdishman@silcom.com)  
805.682-9382  
re: Veronica Meadows EIR report

Planning Commission,

I am an owner, past Board member and environmental sociology professor who resides at Stonecreek Condominiums adjacent to the proposed Veronica Meadows and my condo but a few yards away from Arroyo Burro creek. This creek is my front yards and a large part of the joy of living at Stonecreek.

11-1

The proposed Veronica Meadows project violates the expressed desires and the environmental goals of the citizens of this city with respect to improving our environment and livability of Santa Barbara. The project **violates** the expressed statements of Santa Barbara's public leaders, including the mayor, to protect the interests of the residents. Years of concern over this ill-conceived and unnecessary project demonstrates to the citizenry the presumption on the part of city officials that private interests have priority, that they can "buy" and privatize the biologic, environmental and social commons, engendering potential hazards to life, health and happiness - to benefit of a few people

11-2

11-3

This project is a step in the **wrong directions**, as it will increase air pollutions and set up a series of environmental problems with respect to the entire ecosystem of Arroyo Burro Creek. Altering one part of the creek adjacent to the proposed homes will affect the entire creek. The EIR clearly states that there are not only unknown risks but calculated risks based on the proposed changes to the creek. If anything at all is done to Arroyo Burro Creek, those changes need to consider the entire ecosystem. If boulders are put at one end, then clearly it increases the risk of flood to those of use who have this creek as our front yard. Changes to the wetlands at the end impact the accumulation of debris and toxins upstream.

11-4

The name itself, **Veronica Meadows**, hides the reality that placing these houses actually **destroys the meadows** it pretends to become. The develop makes money and the health of the neighbors and the creek is put at risk. Any changes to the waterways should be entirely initiated and administered by PUBLIC agencies, not by private entities whose private goals trump public concerns. Public sentiment expressed at the SB Planning meetings largely supports my elucidation here.

11-5

The corner of Cliff Drive and Las Positas, the main intersection closest to the projects, backs up daily with over 25 cars making turns at that corner where Las Positas stops between 4 and 6 pm creating stagnant air pollution. **Veronica Non-Meadows** will exacerbate this problem considerably. If the proposed "traffic light" at Flings Park is added, cars will be backed up in front of the kitchens of Stonecreek residents who live on Las Positas, making it unhealthy for the numerous children who live here.

11-6

Sincerely,

Wendy Dishman  
Stonecreek Owner

Letter From  
Eddie Harris

Letter 12

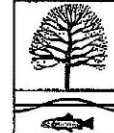
04/29/2008 14:48 8058971904

SB CITY PLANNING

PAGE 02

**SANTA BARBARA URBAN CREEKS COUNCIL**

P.O. Box 1467, Santa Barbara, CA 93102 (805) 968-3000



**RECEIVED**  
APR 28 2008

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

April 28, 2008

City of Santa Barbara  
Planning Division  
Attn: Allison De Busk, Project Planner  
P.O. Box 1990  
Santa Barbara CA 93102-1990

**Re: Draft Revised Environmental Impact Report – Veronica Meadows Specific Plan**

Dear Allison De Busk:

The Santa Barbara Urban Creeks Council is a 501(c)3 non profit with widespread membership and support throughout the south coast. We've been active for 18 years as an advocate organization for sound watershed planning and have helped to shape many important and beneficial creek projects within city jurisdiction and throughout the region. We have followed the Veronica Meadows development review process throughout its history, and we were a petitioner in the successful legal challenge to the city's approvals of December 2006.

12-1

Our interest in submitting comments to you on the Draft Revised Environmental Impact Report is to ensure that the document is complete and factual and that the California Environmental Quality Act is served by a process that does not circumvent the law, out of haste or omission or other error. We know that mistakes have been made in the past, and we want to avoid similar problems in this new review process.

12-2

**Class I Bridge Impacts**

The Class I bridge impacts which were central to the Superior Court Decision remain as identified and substantiated in the original EIR. Although the applicant's consultant attempts to cast doubt on the legitimacy of those impacts, the document should reflect unambiguously that the bridge impacts are significant and unmitigatable. In response to the Meade Report's attempt to downplay the impacts of the bridge, it is not reasonable to expect healthy riparian vegetation to grow under a bridge in shade or indirect sunlight. Riparian vegetation that grows under bridges is typically limited to either side where there is light. Vegetation that grows without sunlight is weak, sparse and not good habitat. Branches are too flimsy for nest building and vegetation is too thin for cover. The pictures of vegetation beneath bridges that are shown in the report are misleading. The photograph depicting conditions under the Highway 154 bridge over San Antonio Creek is not a legitimate comparison to use for this purpose. That bridge is close to 75 feet tall, and it lets a lot more light in than the project bridge, which is

12-3

## Letter From Eddie Harris

### Letter 12

04/29/2008 14:48 8058971904

SB CITY PLANNING

PAGE 03

proposed to be only 18 feet tall. Moreover, the picture of vegetation under highway 154 primarily shows (in the foreground) non-native, weedy, detrimental vegetation such as tree tobacco – not riparian vegetation. This is because bridges disturb areas and non-native invasive plants do well in disturbed areas. The report makes no assessment of loss of vegetation on the road sections leading to the bridge. Additionally, there are many 2-lane bridges that span “natural” creek banks that lack riparian vegetation such as at Maria Ygnacio Creek at University Drive, San Antonio Creek at Highway 192 and at San Marcos Road, and numerous bridges on Mission Creek. These bridges are much more like the proposed project bridge than the bridges in the report because they are relatively low and therefore block a higher percentage of the light than the bridges shown in the report do.

12-3 (cont.)

It is likely that the sycamore tree that the report states will be saved will die or become unstable due to the effects of tampering with its roots.

12-4

With respect to Reason No. 2, the report claims that because the eastern abutment presumably avoids the flow area of the creek (the 100 year flow) the abutment does not displace riparian habitat. Riparian habitat often extends outside the flow channel. The document, on page 3-50, does find that riparian vegetation and habitat extends beyond the top of bank, and states that: “The limits of CDFG jurisdiction at the project site are shown in Figure 3-12b. The outer limit of riparian-related vegetation includes oak trees, and extends above the top of bank.” The report notes that the eastern abutment is below the top of bank. Clearly this places it in the riparian corridor. Additionally, the report claims the abutment is 50 feet from the creek centerline. This does not establish that the abutment avoids habitat. Moreover, riparian areas are dynamic. The riparian baseline is not static. Placing a bridge over an unvegetated riparian area is still impacting the riparian habitat in terms of the habitat's ability to go through succession. While Arroyo Burro Creek is currently maintained, a bridge would increase the need to remove snags, to maintain the sparse vegetation, to fill scour holes and to control erosion near the bridge.

12-5

Relating to Reason No.3, the report states the banks are too choked with reed to be passable to wildlife and therefore wildlife uses upland areas. The report submits no evidence that this is the case. Wildlife often uses creek beds, not necessarily banks, for movement. The bed is not too overgrown to prevent movement, and is currently used for animal movement. During high flows, animals will use upland areas instead of the bed. The bridge will force animals onto the road, especially during high flows, and in general will limit wildlife movement along the creek. The upland routes used by some animals will be impacted by the project, making the creek an even more important local movement corridor.

12-6

The report includes no assessment of noise, lighting, runoff and litter that accompanies bridges and that adversely impacts riparian habitats. Also, runoff from the structure itself, such as asphalt road surface and cement will alter water quality and creek habitat, including downstream in the estuary where there are threatened and endangered species. Automotive pollutants resulting from leaks (such as radiator coolant that is toxic to animals, and oil and brake dust) are detrimental impacts and they will inevitably find their way into the environment.

There are also short term construction impacts that are not addressed in the report.

It is also not mentioned in the report that bridges have a lifespan. There is no discussion in the report or in the document of analysis of impacts related to reconstruction of the bridge after a major flood or after it deteriorates and must be replaced.

## Letter From Eddie Harris

### Letter 12

04/29/2008 14:48

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SB CITY PLANNING

PAGE 04

#### Biological Section

Table 3-10 does not call out impacts to coastal sage. It is a protected habitat, according to CDFG. This omission should be corrected. Additionally table 3-10 indicates a net loss of riparian habitat even after restoration. However, the text indicates there will be an increase. Table 3-10 is confusing with regards to what habitats are being restored and to what they are being restored to.

12-7

The sycamore tree that will undergo root trimming is likely to die or become unstable if damage is extensive. This should be noted in the document.

12-8

The riparian area is dynamic. Even if no mature riparian vegetation is present now, the bridge would preclude the existing ecological process of succession of oak and riparian habitats. (p. 3-61, reason No. 1)

12-9

The conclusions regarding bridge impacts have not changed. The evidence supports the Class I impacts. Even after the applicant weighed in with the Meade Report, and the city reconsidered the bridge's impacts, there is no change in the conclusion. The Meade analysis is flawed and does not support a Class II finding.

12-10

Page 3-63 points out water quality impacts on Aquatic Organisms. Sections 30231 and Section 30230 of the Coastal Act apply where drains are in the coastal zone. These sections require maintaining water quality and biological productivity.

12-11

The project will degrade water quality according to the document, and therefore violates LCP policy 6.8, which requires no degradation to water quality in the coastal zone. Discussion of Policy 6.8 on page 3-69 must be rewritten to reflect this impact.

12-12

LCP Policy 5 is incorrectly interpreted as applying only to state and federally listed species. This excludes "rare" species which include Cooper's hawk, White tailed Kite, and other species of concern.

12-13

#### Alternative Creek Setbacks

100 foot creek setbacks, measured from outside edge of riparian drip line to any road or other impact would help to reduce impacts to the creek. We ask that you emphasize in the document that the 100-foot Creek Setback (Adjusted Top of Bank) provides superior buffer protection, and would be feasible with a reduced scale alternative using Alan Rd. for access.

12-14

#### Campanil Drainage

Other important alternatives are missing from the document. We ask that you also include an alternative that provides better protection for the Campanil Drainage that intersects the property. A reduced scale alternative utilizing the 100 foot Creek Setback (Adjusted Top of Bank) and that also provides enhanced restoration of the Campanil Drainage may be feasible. Such an alternative could be accessed from the Alan Rd access.

12-15

#### Channelization

In hearings that were part of the previous project review, the applicant's consultant outlined the intention to channelize the creek with massive placement of boulders in order to protect the homes. In addition, there were conceptual plans to perform work in the creek bottom. This information that is part of the record is missing from the current DREIR and from the original EIR. The project description is incomplete and inaccurate if it does not include information about the channelization that is being contemplated and any additional in stream work that may be performed, as outlined in public hearings during the previous project review.

12-16

# Letter From Eddie Harris

## Letter 12

04/29/2008 14:48

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SB CITY PLANNING

PAGE 05

### Project Setting

Neither the original EIR or the DREIR accurately describe the setting relating to hazards that exist upstream. Campanil Hill is an actively eroding slide hazard. The original EIR, while it does not analyze the hazards above the site adequately, does describe on page 3-4 a 1997-98 slide from unstable materials in the Campanil Hill area that resulted in debris sliding directly into the creek and then being transported downstream. It is likely that in the future a slide or slides from Campanil Hill may create debris and obstructions in the creek where it is located at the base of the slide prone slopes, and where there is insufficient area for natural buttressing by a debris fan or stream terrace. An analysis of this potential is necessary because as debris resulting from a slide are transported downstream, any creek restoration work at the project site may be inundated by debris and become obstructed, risking failure of the restoration, erosion of creek banks at the site and creating very high maintenance costs for property owners and for the city.

12-17

Another serious omission is that the document does not adequately describe the dynamic stream morphology that is taking place within and above the project site in response to upstream urbanization. The stream channel is adjusting to changes in flows that result from proliferation of pavement and other impervious treatment of the landscape throughout the watershed above. Debris from collapsing banks as a result of these modifications to the landscape will be transported downstream to the project site, and may create an obstruction that will undo any restoration work at the project site. This would result in risk of failure of the restoration, and greater erosion of creek banks at the site, and very high maintenance costs for property owners and for the city of Santa Barbara. The proposed Project further exacerbates these problems and the restoration will not be adequate with these additional pressures. In other words, the Proposed Project results in cumulative impacts that are not adequately discussed in the DREIR. The document must include a detailed analysis of upstream hazards and full description of the dynamic changes that are taking place as well as an analysis of the risks to in stream work and bank revegetation that might be done as part of the project.

12-18

### New Information

It has come to our attention recently that a new trail section has been constructed on Elings Park property. It appears that the existing trail system within the park has been extended to the intersection of Cliff Drive and Las Positas Rd. This appears to be a well conceived solution that addresses bicycle and pedestrian circulation needs in the area. Placed at this controlled intersection where other trail heads converge, the new trail head location appears to be situated at an ideal location. The trail system links Mesa and West Side neighborhoods with recreational facilities and with Arroyo Burro Beach, which has been touted as a benefit of the Veronica Meadows project. This benefit has already been realized by construction of the new trail segment, and it is no longer necessary to provide bridge access to the Veronica Meadows project site for this purpose.

12-19

### Summary

The DREIR clearly reaffirms the conclusion of the original EIR that impacts to the riparian habitat and creek corridor caused by the bridge are significant and unavoidable (Class I) impacts that cannot be mitigated.

12-20

Feasible alternatives exist that would avoid the Class I impacts of the bridge. Therefore the city must focus on a project that avoids the significant impacts to the creek by providing access via Alan Rd.

12-21

## Letter From Eddie Harris

### Letter 12

04/29/2008 14:48 8858971904

SB CITY PLANNING

PAGE 05

The city must consider comments regarding any portion of the revised EIR, and moreover, must consider comments on the entirety of the original EIR. The entire document should be recirculated and comments on its entirety as well as new information must be considered. Shortcuts and abbreviated environmental review may lead to omissions, and increases the likelihood that more mistakes may be made.

12-22

Economic analysis of reduced-density projects with access via Alan Rd. is necessary. This will ensure that the developer will make a reasonable profit, and that the alternative selected will have a small footprint on this rare and fragile landscape and that it will be the least environmentally damaging. In the past the city has refused to an economic analysis on project alternatives even though they have been urged to do so and even though CEQA provides justification and a means for doing so. By not using this important tool there are risks that more mistakes will be made and that the environment will be unnecessarily impacted.

12-23

Thank you for your consideration of our comments. We look forward to the City's response to our concerns.

Sincerely,



Eddie Harris

President

Santa Barbara Urban Creeks Council

cc: Citizens Planning Association

**Letter From  
Elaine Bowie**

**Letter 13**

04/29/2008 14:48 8058971904

SB CITY PLANNING

PAGE 87

**Elaine Bowie  
545 Alan Road  
Santa Barbara, CA 93109**

**Regarding: Veronica Meadows Specific Plan  
(MST99-00608)**

April 9, 2008

City of Santa Barbara  
Planning Division  
Attn: Allison De Busk, Project Planner  
PO Box 1990  
Santa Barbara, CA 93102-1990

**RECEIVED**  
APR 11 2008  
CITY OF SANTA BARBARA  
PLANNING DIVISION

Public and neighbor close to project response to updated E.I.R.:

It appears there are three Class 1 impacts for this project. Vehicular bridge over Arroyo Burro Creek, Alan Road Access Alternative and Class 1 impact during construction if access Alan Road. This revised E.I.R. has also finally addressed the significant traffic problem with the four intersections and the impact the project will have; I know it has come up with a fee for the applicant, but this fee wouldn't begin to pay for the improvement needed. I feel that these intersections need to be addressed and fixed before or during the project. But given the city and states budget problems I do not see this happening in the near future.

13-1

With this revised E.I.R., I am in favor of no annexation of property to the city due to the cost to tax payers. Even if applicant goes to the County to have project approved he has the same problem with access to property.

13-2

Again it's unfortunate this land was not purchased by the parks department.

13-3

This area in the Valley of Los Positas is very fragile, and I know if Alan Road were to be built today it would not go through.

Look forward to the public hearing April 17, 2008



Elaine Bowie



# Letter From Planning Commission Comments

## Letter 14

### COMMENTS PRESENTED TO THE PLANNING COMMISSION AT THE APRIL 17, 2008 ENVIRONMENTAL HEARING

- |   |                           |
|---|---------------------------|
| <p>1. <u>Richard Frickman, resident, unable to stay at hearing, comments read by Chair into the record.</u></p> <ul style="list-style-type: none"> <li>a. Project is too big for the creek side location.</li> <li>b. Please ask developer to submit a plan with 1/3 number of units.</li> <li>c. Project is not a sustainable project; City should not annex an existing open space to add housing.</li> <li>d. If development granted, require an economic analysis to determine the minimum number of units feasible for the project site.</li> </ul>  | <p>14-1-a, b, c, d</p>    |
| <p>2. <u>Mike Fealy, resident</u></p> <ul style="list-style-type: none"> <li>a. Supports conclusion of the Revised Draft Environmental Impact Report (DEIR).</li> <li>b. Class 1 impacts to the bridge cannot be mitigated.</li> <li>c. Economic analysis should be done to determine if reduced project is feasible.</li> </ul>  | <p>14-2-a, b, c</p>       |
| <p>3. <u>Naomi Kovacs, Executive Director, Citizens Planning Association</u></p> <ul style="list-style-type: none"> <li>a. Formal comments will be submitted later.</li> <li>b. Urges economic feasibility study, by an independent third party, of alternatives capable of reducing or eliminating unavoidable Class 1 impacts, as well as the other alternatives rejected by the Environmental Impact Report (EIR).</li> <li>c. Noted internal inconsistencies found in EIR related to alternatives, especially economic feasibility.</li> <li>d. EIR fails to analyze a reduced density alternative, and is therefore, legally deficient.</li> <li>e. Very concerned with quick 9 day turnaround for Final EIR.</li> </ul> | <p>14-3-a, b, c, d, e</p> |
| <p>4. <u>Judith Hauer, Ventura resident</u></p> <ul style="list-style-type: none"> <li>a. Draft EIR does not include a detailed financial analysis of a smaller project.</li> <li>b. Financial responsibility of the City and homeowners after project completion is not addressed, such as ongoing creek maintenance, hillside landslide areas, and the public use of dedicated land.</li> <li>c. Supports comments of previous speaker.</li> </ul>  | <p>14-4-a, b, c</p>       |
| <p>5. <u>Eddie Harris, President, Santa Barbara Urban Creeks Council</u></p> <ul style="list-style-type: none"> <li>a. Formal comments will be submitted later.</li> <li>b. EIR needs to include geological hazards present immediately above the project side; Campanil Hill is an actively eroding slide hazard that can create debris and obstructions in the creek. Analysis is necessary for potential slide impact to the creek restoration project, erosion of creek banks, and high maintenance costs to property owners and the City.</li> <li>c. EIR needs to describe the dynamic stream morphology at and above the project site.</li> </ul>  | <p>14-5-a, b, c</p>       |

## Letter From Planning Commission Comments

### Letter 14

Comments presented to the Planning Commission  
April 17, 2008 Environmental Hearing  
Page Two

- |  |              |
|--|--------------|
| d. Project description needs to be clearer with respect to the work proposed in the creek and bank stabilization. Will the creek be channelized? Also, there are inconsistencies in the document about the habitat in the creek. For example page 3-45 states that the project site does not represent a unique refuge or habitat area in the watershed. However, page 3-48 says that Arroyo Burro creek contains year-round aquatic habitat, which is a scarce but highly productive and sensitive habitat type in southern California. | 14-5-d, e    |
| e. Concurs with comments made by CPA.  |              |
| 6. <u>Mike Jordan, resident</u>  | 14-6-a       |
| a. Supports the EIR and how it shows how the project will provide significant benefits to the degraded creek and property through mitigation and restoration.  |              |
| 7. <u>Elaine Bowie, resident</u>   | 14-7-a, b, c |
| a. Agrees with all public comments made, except those by Mike Jordon.  |              |
| b. Supports leaving the valley as it currently exist.  |              |
| c. More research needed on the three Class 1 traffic impacts.  |              |

# Letter From Planning Commission Comments

## Letter 15

### PLANNING COMMISSION COMMENTS MADE AT THE APRIL 17, 2008 ENVIRONMENTAL HEARING ON VERONICA MEADOWS

#### Harwood White

- There is no discussion of Charter Section 1507 included in the Environmental Impact Report (EIR). Very concerned about development potential in relationship to limited resources, especially water and sewage. Concerned with water and sewer resources based on new information received in General Plan material. Zaca Fire had major impact on resources, much of which has yet to be determined. Limitations on resources like water and sewer are especially important in considering annexations. 15-1-a
- City has the obligation in alternative section to include alternatives that mitigate adverse impacts to maximum extent feasible, and still meet the project's objectives. 15-1-b
- Suggested including an Alan Road access alternative with a reduced number of units so that it does not have Class 1 traffic impacts . 15-1-c, d
- Concerned with feasibility terminology in alternatives section of the report. 15-1-e
- Asked if it is within the purview of the Commission to request an economic feasibility analysis as a part of the EIR. Recommended that City Council consider an economic feasibility analysis in their deliberations on the project whether or not it is included as part of the EIR. 15-1-f
- Asked to look at the change at Mission Street and whether the addition of a bike lane and loss of a turn lane has changed the level of service and if it can be reviewed for any additional impact from the project.. 15-1-f

#### Stella Larson

- Concurs that an economic feasibility study is needed and that an additional Alan Road access alternative is also needed. 15-2-a
- Referenced a recent State Supreme Court decision and asked for more time to be made available for the public to study the EIR. 15-2-b

#### Bruce Bartlett

- Concerned with the feasibility and cost of designing a bridge for the project with such a long span. Would like to see drawings showing the bridge design in the EIR. Is concerned about the cost of maintenance and operation of the bridge and roads if they are public and the City's responsibility. 15-3-a
- Creek restoration is a positive attribute of the project. 15-3-b, c
- There are too many roads and driveways associated with the project; would like to see an alternative layout that offers less paving and less roads that become dedicated to the City.

#### Addison Thompson

- Concerned with the timeline to produce the final EIR and if it could be met by May 8, 2008. 15-4-a

## Letter From Planning Commission Comments

### Letter 15

Planning Commission Comments  
April 17, 2008 Environmental Hearing  
Page Two

- Concurs with many of Commissioners' comments. 15-4-b, c
- Would like to know if Dr. Meade's report about whether a Class 1 impact was correctly attributed to the bridge would be included in the EIR.
- Does not find sufficient information to support a Class 1 biological impact. 15-4-d, e
- Would like to know why the proposed creek restoration would result in a Class 2 impact related to degradation of the creek; cannot find sufficient information to substantiate the conclusion.

#### George Myers

- Concerned with including this project in a discussion of impacts to living within our resources. Many other projects contribute to water and traffic impacts. Thinks it is important to evaluate the potential future resource issues of Santa Barbara. However, not enough information is known to do that evaluation for this project right now. 15-5-a
- An economic feasibility analysis can be written many ways and draw many different conclusions. Believes that general public benefits, not feasibility, largely drove previous decisions on the project. 15-5-b
- Agrees that ecology and upstream impacts should be reviewed. 15-5-c, d
- The new document elucidates issues that were not clear in the past.

## Letter From Stephen Bigelow

### Letter 16

-----Original Message-----

From: Stephen J Bigelow [<mailto:bigelow@math.ucsb.edu>]  
Sent: Tuesday, April 29, 2008 4:46 AM  
To: DeBusk, Allison L.  
Subject: Veronica Meadows

Stephen Bigelow  
1225 Rebecca Ln #C  
Santa Barbara, CA 93105

Dear Planning Commission,

I am an owner of a Stonecreek Condominium and I am writing to express concern about the Veronica Meadows project.

16-1

I would prefer the project not take place because I like living near an area of relative wilderness, and I worry about increased traffic outside my kitchen window. I haven't expressed these concerns before because I assumed they would not carry any weight.

Now I read that the Draft Revised EIR states that the proposed bridge would have permanent detrimental impacts that can not be mitigated. Although my personal preference carries no weight, this report should be taken seriously. I urge you to request an economic analysis of a project that uses Alan Road access instead of a bridge over the creek, even if this would require the project to be scaled down.

16-2

Sincerely,  
Stephen Bigelow

## Letter From Steve Clark

### Letter 17

**From:** steve clark [mailto:stevedclark@email.com]  
**Sent:** Monday, April 28, 2008 8:06 PM  
**To:** DeBusk, Allison L.  
**Subject:** veronica springs no way

**Sent:** Monday, April 28, 2008 7:16 PM  
**Subject:** Veronica Meadows Development

Do not let this proposed development pass.  
RE: EIR States the riparian habitat and creek corridor caused by the BRIDGE are significant, permanent detrimental impacts that can not be mitigated.  
The Traffic is impossible as it is without more development.  
Regards,  
steve clark  
Stonecreek Resident

17-1

Sincerely,  
Steve Clark  
Senior Account Executive  
cell # 805.886.5699

--  
Want an e-mail address like mine?  
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## Letter From Nicole Vernstrom

### Letter 18

From: Nicole Vernstrom [mailto:[nicole\\_vernstrom@yahoo.com](mailto:nicole_vernstrom@yahoo.com)]  
Sent: Tuesday, April 29, 2008 12:05 AM  
To: DeBusk, Allison L.  
Subject: save the land

Dear City of Santa Barbara Planning Division,

Please take your time on deciding on the fate of the development of Las Positas area (Santa Barbara) Veronica Meadows Development. Once the decision is made there is no turning back. This area is a beautiful natural area that should be preserved - perhaps the property could be purchased and added into the Wilcox Preserve or the Elings Park Association, if the public were allowed to raise money to purchase this area and save it from over development and polluting the creek, it would make a wonderful addition to the park system. I feel there needs to be more investigation into alternatives for this area, please don't rush on this choice.

Sincerely, Nicole Vernstrom  
1235 Stonecreek Rd # D Santa Barbara CA 93105

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## Letter From Caroline Walker

### Letter 19

**From:** Caroline Walker [mailto:carolinew2222@yahoo.com]  
**Sent:** Monday, April 28, 2008 9:26 PM  
**To:** DeBusk, Allison L.  
**Subject:** Veronica Meadows

City of Santa Barbara  
Planning Division

Dear Ms. De Busk,  
Please forward my comments and concerns to the appropriate committee and meeting officials before 5/8/08. Thank you.

Santa Barbara Planning Commission:

I own a condo in the back creekside section of the Stonecreek Condominiums and am very concerned that an irreparable injustice may be done to our neighborhood environment in regard to the development of a project of large scale homes and the accompanying plan of building a bridge access that will significantly affect and damage (Class I impacts) the creek corridor and riparian habitat.

19-1

I urge the Planning Commission to support the conclusion of the EIR that the permanent detrimental impacts to this delicate riparian habitat cannot be mitigated and that the building of the bridge not be allowed in favor of the feasible alternative of focusing on a project that avoids the significant and damaging impacts to the creek habitat by providing access via Alan Road. The traffic increases at Alan Road and Cliff Drive do not make the Alan Road alternative infeasible and do not justify the bridge access which carries with it Class I impacts to the creek.

19-2

19-3

I request that an economic analysis of reduced scale Alan Road access alternatives' feasibility be undertaken. This action will ensure that the alternative chosen will have a small footprint on this rare and fragile environment and be the least environmentally damaging.

19-4

Because a Superior Court judge has ruled that the approval of this Veronica Meadows project in December 2006 was in violation of CEQA because it allowed Class I impacts to the creek and associated habitat when they could be avoided, I am writing to ensure that the law is respected and complied with.

19-5

As with all planning and development decisions, our city must make decisions that reflect sound understanding of the law and compliance with the CEQA.

Let me remind the Planning Commissioners that the CEQA prohibits local agencies from approving projects that cause significant environmental impacts if those impacts could feasibly be avoided. As per the judge's order, the entire EIR document has been rescinded.

19-6

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## Letter From Caroline Walker

### Letter 19

Page 2 of 2

I request that the document be recirculated and comments on it's entirety as well as new information be considered.

19-7

We citizens of Santa Barbara count on you Planning Commissioners to protect our fragile wildland environment from outrageous, damaging development and honor the public trust by complying with the law and findings of the CEQA and ALWAYS doing the right thing in regard to protecting Santa Barbara.

19-8

Thank you,

Caroline Walker  
1227 C Stonecreek Rd.  
Santa Barbara, CA 93105

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**Letter From  
Annette Magneheim**

**Letter 20**

**From:** Annette, Westcoast, Santa Barbara Office [mailto:nettiemag@cox.net]  
**Sent:** Monday, April 28, 2008 7:16 PM  
**To:** DeBusk, Allison L.  
**Subject:** Veronica Meadows Development

Do not let this proposed development pass.  
RE: EIR States the riparian habitat and creek corridor caused by the BRIDGE are significant, permanent detrimental impacts that can not be mitigated.  
The Traffic is impossible as it is without more development.  
Regards,  
Annette Magneheim  
Stonecreek Resident

20-1

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